

AUSABLE CHARTER TOWNSHIP ZONING ORDINANCE

**The Charter Township of AuSable
Iosco County, Michigan**

April 21, 2014

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PREAMBLE

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

Article 1 TITLE, INTENT, AND PURPOSE

Section 1.01 TITLE

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

Section 1.02 INTENT AND PURPOSE

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

Article 2 DEFINITIONS

Section 2.01 CONSTRUCTION OF LANGUAGE

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

- A. Words used in the present tense include the future tense; and the singular includes the plural, unless the context clearly indicates the contrary.
- B. The word "person" includes a corporation, association, partnership, trust, firm, or similar activity as well as an individual.
- C. The word "building" includes the word "structure" and either includes any part thereof.
- D. The word "lot" includes the word "plot", "tract", or "parcel".
- E. The term "shall" is always mandatory and not discretionary; the word "may" is permissive.
- F. The word "used" or "occupied" as applied to any land or building shall be construed to include the words intended, arranged, maintained for or designed to be used or occupied.
- G. The words "this Ordinance" means the text of this Ordinance as well as all maps, tables, graphics, and schedules, as included or attached as enacted or subsequently amended.
- H. Unless the context clearly indicates the contrary, where a regulation involves two (2) 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 Charter Township of AuSable in the County of Iosco, State of Michigan; the "Township Board", "Board of Appeals" and "Planning Commission" are, respectively, the Township Board of Trustees, Zoning Board of Appeals, and Planning Commission of the Township.
- J. Any word or term not interpreted or defined by this Ordinance shall be used with a meaning of common or standard utilization. A dictionary may be consulted.
- K. "Days" means calendar days unless otherwise stated.

Section 2.02 DEFINITIONS

1. Definitions Of Words And Phrases Beginning With The Letters "A" Through "E":

Accessory Building: Accessory Building, Use, or Structure: A building, use, or structure that is subordinate in size and purpose to the principal structure and that is not attached to the principal structure. It does not include any building or structure designed or used for human habitation.

Accessory Dwelling Unit: Also known as a “granny flat”. A secondary dwelling is a unit established as part of and clearly subordinate to the principal structure.

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

Adult Entertainment Facilities:

- A. **Adult Bookstore:** An establishment having more than fifty (50) percent of its stock in trade, magazine and other periodicals with an emphasis on matter depicting, describing, or relating to “specified sexual activities” or “specified anatomical areas” (as defined herein), or an establishment with a segment or section devoted to the sale or display of such material.
- B. **Adult Motion Picture Theatre:** An enclosed building, with a capacity of fifty (50) or more persons, used for presenting material with an emphasis on matters depicting, describing, or relating to “specified anatomical areas” (as defined herein), for observation by patrons therein.
- C. **Adult Mini Motion Theatre:** An enclosed building with a capacity for less than fifty (50) persons, used for presenting material with an emphasis on matters depicting, describing, or relating to “specified sexual activities” or “specified anatomical area” (as defined herein), for observation by patrons therein.
- D. **Specified Anatomical Areas:**
 1. Less than completely and opaquely covered:
 - a. Human genitals, pubic region and buttock:
 - b. Female breast below a point immediately above the top of the areola.
 2. Human male genitals in a discernible turgid state, even if completely and opaquely covered.
- E. **Specified Sexual Activities:**
 1. Human genitals in a state of sexual stimulation or arousal.
 2. Acts of human masturbation, sexual intercourse or sodomy.
 3. Fondling or other erotic touching of human genitals, pubic region, buttocks or female breast.

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

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

Apartment: A room or suite of rooms, including bath and kitchen facilities, in a two-family or multiple family dwelling intended and designed for use as a residence by a single family.

Artificial Residential Pond: A man-made water body on a singular parcel of land containing or designed to contain a total water surface area of at least ten thousand (10,000) square feet and is an accessory use to the principle residential use of the parcel.

Attached Building: A building, which shares at least ten (10) feet of a wall in common with the primary structure. This definition does not include attachment by a roof connected to another building or a breezeway. SEE Definitions: Section 2.02 Breezeway of this Ordinance.

Automobile Dealership: A building or premises used primarily for the sale of new or used automobiles not including farm equipment and recreational vehicles.

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

Basement: That portion of a building, which is partly or wholly below finished grade. A basement shall not be considered as a story except as included in the definition of "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, provided that certain zoning requirements are met.

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

Billboard: A sign structure advertising a service, commodity or establishment, which is not sold, produced, manufactured, or furnished at the property on which said sign is located, also known as "off-premise sign" or "outdoor advertising structure." Such sign is subject to the requirements of the Highway Advertising Act, PA 106 of 1972 (as amended) as well as to the provisions of this Ordinance.

Breezeway: A roofed passageway, open or enclosed, and connecting the primary structure on a site with an accessory building on the same site. A breezeway does not constitute attachment.

Buffer Area: A strip of land reserved for plant material, berms, walls, or fencing to serve as a visual and/or sound barrier between properties, often between abutting properties in different zoning districts.

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

Building Height: In the case of a principal building, the vertical distance measured from the finished grade at the center of the building where the building abuts the front yard to the highest point of the roof surface, except as follows: to the deck line of mansard roofs, and the average height between eaves and the ridge of gable, hip, and gambrel roofs (see Figure 2-1 at end of this Section). The measurement of height of an accessory building or structure shall be determined as the vertical distance from the average finished grade to the highest point of the roof surface.

Building Lines: A line which defines the minimum distance (as determined by the minimum front, side, or rear yard setback) which any building shall be located from a property line, existing street right-of-way line, or ordinary high water mark.

Cabin/Cottage Complex: Grouping of commercial multiple cabins/cottages on a site and used for purposes of renting or leasing to transient clientele.

Common Open Space: A parcel or parcels of land or an area of water, or a combination of land and water within the site designated for a PUD, site condominium or subdivisions and designed and intended for use or enjoyment of all the residents of the PUD, site condominium or subdivisions. Common open space may contain such complementary structures and improvement as are necessary and appropriate for the benefit and enjoyment of all the residents of the PUD site condominium.

Campground: A parcel or tract of land under the control of a person in which sites are offered for the use of the public or members of an organization, either free of charge or for a fee, for the establishment of temporary living quarters. Temporary living quarters means a tent, recreational vehicle, or any portable structure designed to be carried or towed by a vehicle and placed for temporary living quarters.

Canoe, Kayak and Tube Livery: A place where canoes, kayaks and tubes are stored, rented and transported to and from access sites.

Carport: A roofed structure that covers a driveway or other parking area; providing space for the parking of motor vehicles, other vehicles, recreational equipment, other equipment including yard equipment, and is enclosed on not more than three (3) sides.

Cellar: See definition for "Basement".

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

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.

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

Commercial Agriculture: The use of land and/or structures for the growing and/or production of farm products for income.

Communication Tower: Any structure or system of, including but not limited to, wires, poles, rods, reflecting discs, or similar devices attached to the ground or any other structure or any other equipment used to facilitate, improve, support, or constructed primarily for the purpose of transmission, reception or transfer of radio, telephone, television, microwave, other telecommunication signals and similar communication purposes, including but not limited to, self-supporting lattice towers, guyed towers, or monopole towers. The term includes the structures and supports thereto.

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

Condominium Subdivision: A division of land on the basis of condominium ownership, which is not subject to the provisions of the Subdivision Control Act of 1967, Public Act 288 of 1967, as amended.

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

Condominium Unit: That portion of a condominium project or condominium subdivision which is designed and intended for separate ownership and use, as described in the master deed, regardless of whether it is intended for residential, office, industrial, business, recreational, use as a time-share unit, or any other type of use. A condominium unit may consist of either vacant land or space, which either encloses or is enclosed by a building structure. Any "condominium unit", or portion thereof, consisting of vacant land shall be equivalent to the term "lot" for the purposes of determining compliance of the condominium subdivision with the provisions of this ordinance including minimum lot size, minimum lot width, maximum lot coverage and setbacks.

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

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

Day Care Home; Family: A private home in which the operator permanently resides as a member of the household in which one (1) but less than seven (7) minor children are received for care and supervision for periods of less than 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. Family day care home includes a home that gives care to an unrelated minor child for more than four (4) weeks during a calendar year.

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

Deed Restriction: A restriction on the use of a lot or parcel of land that is set forth in the deed and recorded with the County Register of Deeds. It is binding on subsequent owners and is sometimes also known as a restrictive covenant. Unless the Township has an ownership interest in the property,

a deed restriction is enforced by the parties to the agreement, not by the Township. A deed restriction may also be further defined as allowed by statute and/or case law.

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

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

Drive-in: A business so developed that its retail or service character is dependent on providing a driveway approach or parking spaces for motor vehicles so as to service patrons while in the motor vehicle rather than within a building or structure or to permit patron self-service.

Drive-through: An establishment so developed that some portion of its retail or service character is dependent upon providing a driveway approach and a staging area specifically designed for motor vehicles so as to serve patrons while in their motor vehicles rather than within a building or structure, for carry-out and consumption or use after the vehicle is removed from the premises.

Driveway: A means of access for vehicles, bicycles, motorcycles, foot traffic, or other suitable means of transportation, from a parcel of property, to a parking or loading area, or other public area, garage, dwelling, or other structure or area on the same lot, with said driveway to be located and constructed in accordance with the requirements of this Ordinance and any requirement of the Iosco County Road Commission or State of Michigan.

Dwelling: Any building, or portion thereof, which is designed or used exclusively for residential purposes. In no case shall a motor home, trailer coach, automobile chassis, tent or portable building be considered a dwelling.

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

Dwelling, Single-Family: A primary building designed exclusively for and occupied exclusively by one family and consisting of a single dwelling unit only, separated from other dwelling units by open space. Exception - SEE Section 16.31 Accessory Dwelling Unit (Granny Flats) of this Ordinance.

Dwelling, Two-Family (Duplex): A building containing two separate dwelling units that are attached by a common wall and designed for residential use by two families.

Dwelling Unit: Any building, or portion thereof, which is designed or used exclusively for residential purposes and has one or more rooms with living, sleeping, bathroom and principal kitchen facilities designed as a self contained unit for the exclusive use and occupancy by one family. A dwelling unit has a private entrance leading directly from outside the building or from a common hallway or stairway inside the building and must have functional plumbing, heating and electricity. In no case shall a motor home, trailer coach, automobile chassis, tent, portable building, garage or accessory building be considered a dwelling.

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, or office buildings, substations, or structures which are enclosures or shelters for service equipment, or maintenance depots.

Equipment, Commercial: Includes but is not limited to such items as machinery, utility trailers, lawn mowers, snow blowers, garden/landscape equipment, farm type tractors, farming equipment, landscape equipment, earthmoving equipment, construction equipment, portable fuel storage tanks, equipment trailers, wood harvesting equipment, wood working equipment and other such items.

Equipment, Residential: Includes but is not limited to such items as utility trailers, lawn mowers, snow blowers, garden/landscape equipment, small farm type tractors and other such items.

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

Extraction Operation: The removal, extraction, or mining of sand, gravel or similar material for commercial gain.

2. Definitions of Words And Phrases Beginning With The Letters "F" Through "J":

Family:

- a. A group of two or more persons related by blood, marriage, or adoption, including foster children and servants, together with not more than two additional persons not related by blood, marriage, or adoption, living together as a single housekeeping unit in a dwelling unit, or
- b. A collective number of individuals domiciled together in one dwelling unit whose relationship is of a continuing non-transient domestic character and who are cooking and living as a single nonprofit housekeeping unit. This definition shall not include any society, club, fraternity, sorority, association, lodge, coterie, organization, or group of students or other individuals whose domestic relationship is of a transitory or seasonal nature or for an anticipated limited duration of a school term or terms or other similar determinable period.
- c. 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.

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.

Farm: Land used for commercial agriculture comprising at least ten (10) contiguous acres, and which may contain other noncontiguous acreage, all of which is operated by a sole proprietorship, or corporation and including all necessary farm buildings, structures, and machinery.

Farm Operation: A condition or activity which occurs on a farm in connection with the commercial production of farm products, and includes, but is not limited to: marketed produce at roadside stands or farm markets; noise; odors; dust; fumes; operation of machinery and irrigation pumps; ground and aerial seeding and spraying; the application of chemical fertilizers, conditioners, insecticides, pesticides, and herbicides; and the employment and use of labor.

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.

Flood Zones (which include floodplains and floodways) are those land areas that are subject to occasional flooding as defined or determined by the Federal Government or the State of Michigan.

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

Floor Area, Minimum (for a dwelling unit): The sum of all gross horizontal areas of all stories of a dwelling unit, measured from the outside dimensions of the outside face of the outside wall. Unenclosed and uncovered porches, courtyards, garages, breezeways or patios shall not be considered as part of the minimum floor area.

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

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

Foster Care Facility: An establishment which provides supervision, assistance, protection, or personal care, in addition to room and board, to persons. A foster care facility does not include a home for the aged or nursing home, licensed under PA 139 of 1956, as amended, or a mental hospital for mental patients licensed under PA 151 of 1923.

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

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

Fractional Ownership: Purchase of partial ownership in a property and/or unit with each owner having a predetermined number of days of a year to use the unit

Frontage: The total continuous length of the front lot line. For the purpose of determining the yard requirement on corner lots, all sides of a lot adjacent to streets shall be considered frontage. On a circular turn around of cul-de-sacs the minimum frontage requirement shall be measured at the front setback line.

Front Yard: A space extending the full width of the lot between any building and the front lot line and measured perpendicular to the building at the closest point to the front lot line. When the property adjoins water or has a view of the water the area that is waterfront or water view will be the front yard of the property.

Funneling: Any portion of any parcel of property and/or lot other than a public park, being used either by way of sale, conveyance, lease, license, or otherwise, so as to provide access to bodies of water to individuals that do not have such access by way of their own parcel of property and/or lot.

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

Grade: The level of the ground adjacent to the walls of the building. In the case of lots with a sloping terrain, the grade shall be the average elevation of the ground adjacent to the walls of the building.

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

Grade, Natural: The elevation of the ground surface in its natural state, before man-made alterations.

Guest House: An accessory building, or part of an accessory building, the use of which is to provide basic, temporary, sleeping, eating, bath and toilet facilities for visiting members of the property owner's immediate family or friends or the property owner. Guest Houses shall not be rented and a visitor's stay is limited to no greater than sixty (60) continuous days.

Hardship: (For ZBA Variances) The deprivation resulting from application of the ordinance (was) so great as to effectively prevent the owner from making any use of the land.

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

High Water Mark, Ordinary: The Ordinary High Water Mark, which has a level established by law.

Home-Based Business: A business use conducted for compensation incidental to a dwelling by the persons residing within the dwelling and a limited number of non-resident employees, which is limited to activities of a predominantly service nature that are primarily conducted off-site.

Home Occupation: An accessory use of a dwelling unit for gainful employment, which is conducted entirely within a dwelling and which is clearly incidental and secondary to the residential use of the lot, does not change the character of the dwelling, and meets all applicable provisions of this Ordinance.

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

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

Household Pet: Animals that are customarily kept for personal use of enjoyment within the home which are any of various pets domesticated so as to live and breed in a tame condition. Household pets shall include only the following domestic dogs, domestic cats, domestic tropical birds, domestic tropical fish, domestic reptiles, domestic ducks, domestic rabbits, domestic pot belly pig, and domestic rodents, but excluding animals which meet this Ordinance's definition for "livestock" or "wild animal."

Inoperable or Abandoned Motor Vehicle: Any wheeled vehicle which is self-propelled and intended to be self-propelled, and which by reason of dismantling, disrepair or other cause is incapable of being propelled under its own power.

Junk: Any motor vehicles, machinery, appliances, products, or merchandise with parts missing, or scrap metals or other trash, rubbish, refuse, paper, building materials and equipment, bottles, glass, appliances, furniture, beds and bedding, rags, rubber, plastic, cordage or scrap materials that are damaged or deteriorated whether or not the same could be put to any reasonable use, except if in a completely enclosed building. Junk includes any inoperable or abandoned motor vehicle which is not licensed for use upon the highways of the State of Michigan and shall also include, whether so licensed or not, any motor vehicle which is inoperative for any reason and which is not in a completely enclosed building.

Junk Yard:

Any land or building used:

- a. For the abandonment, storage, keeping, collecting, or baling of paper, rags, scrap metals, or other scrap or discarded materials; or
- b. For the abandonment, demolition, dismantling, storage or salvaging of machinery, automobiles or other vehicles not in normal running conditions, or parts thereof.

3. Definitions of Words and Phrases Beginning with the Letters "K" Through "O":

Kenel: A lot or premises on which three (3) or more dogs, cats, or other domestic pets, six (6) months of age or older, are kept, either permanently or temporarily, for the purposes of breeding, boarding, training, grooming, sale, or transfer.

Kitchen: Any room principally used, intended, or designed to be used for cooking or the preparation of food. The presence of a range or oven, refrigerator and sink shall be considered as establishing a kitchen. The meaning of "kitchen" shall exclude a bar, pantry, butler pantry, or bathroom

Livestock: Cattle, sheep, goats, llamas, swine, poultry, and other animals or fowl, which are being produced primarily for commercial profit or slaughter, or home use, but excluding animals which meet this Ordinance's definition for "wild animal."

Living Space: Any floor usable for living purposes, which includes working, sleeping, eating, cooking or recreation; or a combination there of, except for a floor used only for storage purposes. Space intended and designed for human occupancy must be heated by a conventional permanent heating system and finished with walls, floor, ceiling, permanently installed electrical outlets and must comply with the County Building Code.

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

Lot: Land described in a recorded plat or by metes and bounds description, including a condominium unit in a condominium subdivision, occupied or to be occupied by a building, structure, land use or group of buildings, having sufficient size to comply with the frontage, area, width-to-depth ratio, setbacks, yards, coverage and buildable area requirements of this Ordinance, and having its principal frontage upon a public street or on a private road. (See Figure 2-2 at end of this Section). A lot may consist of a single lot of record, a portion of a lot of record, or any combination of complete and/or portions of contiguous lots of record, provided that in no case shall a division or combination of any land area be created after the effective date of this Ordinance which does not meet this Ordinance's definition of a "lot."

Lot Area, Net: The area of the horizontal plane within the lot lines of a lot, exclusive of any public street right-of-way abutting any side of the lot.

Lot, Corner: Any lot having at least two (2) contiguous sides abutting upon one (1) or more streets or approved private roads, provided that the interior angle at the intersection of such two (2) 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 fifty (150) feet as measured from the lot line. (See Figure 2-2 at end of this Section).

Lot Coverage: The amount of a lot, stated in terms of percentage that is covered by all buildings and/or structures located thereon. This shall be deemed to include all buildings, roofed porches, arbors, breezeways, patio roofs, whether open box types and/or lathe roofs, or fully roofed, but shall not be deemed to include fences, walls, or hedges used as fences, unroofed decks or patios or

swimming pools. Lot coverage shall be measured from the drip line of the roof or from the wall or foundation if there is no projecting portion of the roof.

Lot, Depth Of: The horizontal distance between the front and rear lot lines, measured along a line midway between the side lot lines. (See Figure 2-3 at end of this Section).

Lot, Flag: A lot whose access to the public street is by a narrow, private right-of-way that is either a part of the lot or an easement across another property and does not meet the frontage requirements of the district in which it is located. (See Figures 2-3 and 2-4 at end of this Section)

Lot, Interior: A lot other than a corner lot which, with the exception of a "through lot", has only one lot line fronting on a street. (See Figure 2-2 at end of this Section).

Lot Lines: The lines bounding a lot or parcel. (See Figure 2-4 at end of this Section).

- a. **Front Lot Line:** The line(s) separating the lot from any street right-of-way, private road or other access easement, except that the front lot line of a lot abutting Lake Huron or the AuSable River and used for residential purposes shall be the line separating the lot from the ordinary high water mark.
- b. **Rear Lot Line:** 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 (10) feet in length entirely within the lot or parcel, parallel to and at a maximum distance from the front lot line.
- c. **Side Lot Line:** Any lot line other than a front or rear lot line.

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

Lot, Through: An interior lot having frontage on two (2) more or less parallel streets. (See Figure 2-2 at end of this Section).

Lot Width: The straight line horizontal distance between the side lot lines, measured at the two (2) points where the minimum required front setback line intersects the side lot lines. (See Figure 2-4 at end of this Section).

Major Thoroughfare: A public street, the principal use or function of which is to provide an arterial route for through traffic, with its secondary function the provision of access to abutting property and which is classified as a county primary road by the Iosco County Road Commission or as a principal or minor arterial by the Michigan Department of Transportation.

Marina: The land and associated structures extending from the land, which provides for the dockage of watercraft on water for a fee, and may also provide watercraft supplies, sales, watercraft service, and watercraft storage.

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

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

parts, or storage of automobiles other than those in for immediate repair. Retail sales may include convenience store merchandise sold primarily to patrons purchasing fuel or services.

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

Mixed Use: A deliberate mix of housing, civic uses and commercial uses, including retail, restaurants, and offices designed to balance development with natural feature preservation, including wetlands, streams, rivers, woodlands and topography, creating commercial/residential land use patterns that focus on local surrounding residential development, which enhances the character of the Township and region.

Mobile Home Park: A parcel or tract of land under the control of a person upon which three (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.

Modular/Manufactured Housing Unit: A structure intended for residential use and manufactured off-site in accordance with all local, state and federal codes, which is then transported by truck or other means to a site where it is assembled on a permanent foundation to form a residential dwelling unit.

Motel: A building or group of buildings, whether detached or in connecting units, used as individual sleeping or dwelling units designed primarily for travelers and providing for accessory off-street parking facilities. The term "motel" shall include buildings designated as hotels, auto courts, tourist courts, motor courts, motor hotel, and similar appellations, which are designed as integrated units of individual rooms under common ownership.

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

Motor Vehicle – A vehicle currently registered/licensed with the owner's State of residence and fully operational, but for the purposes of this ordinance does not include "recreational vehicle", "recreational equipment" and "equipment" as defined in Definitions: Section 2.02 of this Ordinance.

Municipal Sewage Treatment Facility: A sewage treatment system owned by a township, charter township, village, city, county, the State of Michigan, or an authority or commission comprised of these governmental units.

Municipal Water Supply: A water supply system owned by a township, charter township, village, city, county, the State of Michigan, or an authority or commission comprised of these governmental units.

Nonconforming Lot of Record (Substandard 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 zoning district in which it is located. This definition is to expand upon any definition of a non-conforming lot or record, and/or substandard lot as may be provided by relevant statute and/or other law.

Nonconforming Structure: A building or structure (or portion thereof) lawfully existing at the time of adoption of this Ordinance or a subsequent amendment thereto, that does not conform to the provisions of this Ordinance relative to height, bulk, area, placement or yards for the zoning district in which it is located. Such building and/or structure may be further defined as provided by statute and/or case/law.

Nonconforming Use: A use of a building or structure or of a parcel or tract of land, lawfully existing at the time of adoption of this Ordinance or subsequent amendment thereto, that does not conform to the regulations of the zoning district in which it is situated. A nonconforming use may also be defined as provided by relevant statute and/or other law.

Nonconforming Use or Structure-Class A: A nonconforming use or structure, which has been designated to be allowed to be perpetuated and improved under the provisions of this ordinance.

Nonconforming Use or Structure-Class B: A nonconforming use or structure, which has been designated to be allowed to be perpetuated within the restricted provisions of this ordinance.

Nuisance: An offensive, annoying, unpleasant, or obnoxious thing or practice or a cause or source of annoyance, especially a continuing or repeated invasion of any physical characteristics of activity or use across a property line, which can be perceived by or affects a human being, or the generation of an excessive or concentrated movement of people or things including but not limited to: noise, dust, smoke, odor, glare, fumes, flashes, vibration, objectionable effluent, noise of a congregation of people -particularly at night, passing traffic, or invasion of street frontage by traffic generated from an adjacent land use, which lacks sufficient parking and circulation facilities. Farm operations, as defined by the Michigan Right To Farm Act, P.A. 93 of 1981, as amended, shall not be considered nuisances where generally accepted agricultural and management practices of the Michigan Commission of Agriculture are adhered to. This definition may be expanded upon as a nuisance may be defined at law.

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

Open Space, Common: A parcel or parcels of land or an area of water, or a combination of land and water within the site designated for a PUD, site condominium or subdivisions and designed and intended for use or enjoyment of all the residents of the PUD, site condominium or subdivisions. Common open space may contain such complementary structures and improvement as are necessary and appropriate for the benefit and enjoyment of all the residents of the PUD, site condominium or subdivisions including common clubhouses, pools, tennis courts and similar facilities.

Open Space, Dedicated: Common open space dedicated through permanent recorded deed restrictions or easement.

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, lessee, 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.

4. Definitions Of Words And Phrases Beginning With The Letters "P" Through "T":

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

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

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

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

Planned Unit Development: A tract of land or lot, to be planned and developed as a single entity containing one (1) or more residential clusters or planned unit residential developments and one (1) or more public, quasi public, commercial, or industrial areas in such range or ratios of nonresidential to residential uses as shall be specified and in accord with the goals and objectives of the Master Plan.

Planning Commission: The Planning Commission of the Township.

Plat: A map of a subdivision of land recorded with the Register of Deeds pursuant to the Subdivision Control Act of 1967 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 (2) family dwellings. Plot plan approval is generally delegated to the Zoning Administrator.

Pole Barn: A structure with sides consisting of corrugated steel or aluminum panels supported by poles set in the ground typically at eight to ten foot intervals.

Porch: A covered platform, usually having a separate roof, at an entrance to a dwelling, or an open or enclosed gallery or room, which is not heated or cooled, that is attached to the outside of a building and for the purpose of sheltering from the sun, rain and weather, exclusive of vehicles

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

Principle Structure: A building on a lot in which the principal use exists or is served by. In a residential district, the primary dwelling shall be deemed to be the principal structure on the lot. In a commercial or industrial district that may have more than one structure in which the principal use exists, the Zoning Administrator shall determine, which building shall be deemed the "Principal Structure".

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

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

Private Sanitary Sewage Disposal System: An individual on-site sewage disposal system as defined in the County Health Department Sanitary Code.

Private Water Supply: A well or other water supply system approved by the County Health Department pursuant to Part 127 of Act 368 of the Public Acts of 1978, as amended.

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

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

Public facilities - public administration buildings, parking lots, cemeteries, parks, schools, libraries, substations or structures associated with public utilities and enclosures or shelters for service equipment and maintenance depots and any such similar uses .

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

Recreational Equipment: Includes, but is not limited to boats, watercrafts, snowmobiles, ORV, ATV, racing vehicles, go carts, or other such items and to include any trailers used for transporting recreational equipment.

Recreational Vehicle: A vehicle operable and currently registered/licensed with the owner's State of residence. A recreational vehicle is primarily designed and used as temporary living quarters for recreational, camping or travel purposes. A recreational vehicle includes a vehicle having its own motor power or a vehicle mounted on or drawn by another vehicle, not to include "mobile homes" as defined in Definitions: Section 2.02 of this Ordinance.

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

Repair: The reconstruction or renewal of any part of an existing building for the purpose of maintenance.

Residential Property: Property zoned for single-family dwellings, townhouses, multifamily dwellings, mobile home parks, apartments and condominiums. This property does not include and falls under different zoning and taxation regulations than commercial and industrial property.

Restaurant, Drive-through: A restaurant in which all or a substantial portion of the business consists of serving foods and beverages in a ready-to-consume state from a drive-through window to patrons in motor vehicles. A drive-through restaurant may or may not also have indoor seating.

Restaurant, Standard: An establishment whose principal business is the sale of food and/or beverages to customers in a ready-to-consume state, and whose principal method of operation includes one (1) or both of the following characteristics:

- a. Customers, normally provided with an individual menu, are served their food and beverage by a restaurant employee, at the same table or counter at which food and beverage are consumed;
- b. A cafeteria-type operation where food and beverage generally are consumed within the restaurant building.

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

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

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

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

Seasonal Mobile Home Park: A parcel or tract of land under the control of a person upon which three (3) or more mobile homes are located on a continual or temporary basis but occupied on a temporary basis only, 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. A seasonal mobile home park does not include a campground licensed pursuant to P.A. 368 of 1978.

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

Setback: The minimum unoccupied distance between the lot line and the principal and accessory buildings, as required herein. "Unoccupied" shall be interpreted to mean the absence of buildings and accessory structures, but not including fences; subterranean installments such as sewers, septic tanks, and drain fields; and trees and shrubs.

- a. **Front:** Minimum unoccupied distance, extending the full lot width, between the principal building and the front lot line.
- b. **Rear:** The minimum required unoccupied distance, extending the full lot width, between the principal and accessory buildings and the lot line opposite the front lot line.
- c. **Side:** The minimum required unoccupied distance, extending from the front setback to the rear setback, between the principal and accessory buildings and the side lot line.

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

Sign: Any words, lettering, parts of letters, figures, numerals, phrases, sentences, emblems, devices, structures, designs, 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, which is located upon any land or on or in any building, in such manner as to attract attention from outside the premises and intended to convey information to the public. (Refer to Article 22: Signs, for additional definitions pertaining to signs.)

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. Depending upon the proposed land use, site plan approval is generally delegated to the Planning Commission or Township Board.

Solid Waste: Garbage, rubbish, paper, cardboard, metal containers, yard clippings, wood, glass, bedding, crockery, demolished building materials, ashes, incinerator residue, street cleanings, municipal and industrial sludges, and solid commercials and solid industrial waste, animal waste, but does not include human body waste, liquid or other waste regulated by statute, ferrous or nonferrous scrap directed to a scrap metal processor or to a reuser of ferrous or nonferrous products, and slag or slag products directed to a slag processor or to a reuser of slag or slag products.

Special Land Use: Uses and structures, which have been generally accepted as reasonably compatible with the primary uses and structures within a zoning district, but could present potential injurious effects upon the primary uses and structures within the zoning district and therefore require special consideration in relation to the welfare of adjacent properties and to the community as a whole. All such proposed uses shall be subject to a public hearing. Refer to Articles 7: Procedures for Special Land Uses.

Stable, Commercial: A structure and/or land use where horses are bred, reared, trained and/or boarded for remuneration.

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

State Licensed Residential Facility: Means a structure constructed for residential purposes that is licensed by the state under the Adult Foster Care Licensing Act, 1979 PA 218, MCL 400.701 to 400.737, or 1973 PA 116, MCL 722.111 to 722.128, and provides residential services for six (6) or fewer individuals under twenty-four (24) hour supervision or care.

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

Story: That part of a building, except a mezzanine, included between the surface of one (1) floor and the surface of the next floor, or if there is no floor above, then the space between the floor and the ceiling next above it. A basement shall be considered a story if:

- a. The distance from finished grade to the finished surface of the floor above the basement is more than six (6) feet for more than fifty (50) percent of the total perimeter finished grade along the basement; or
- b. The distance from finished grade to the finished surface of the floor above the basement is more than six (6) feet for at least a single twelve (12) foot linear distance.

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

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

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

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

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

Structure: Anything constructed or erected, the use of which requires permanent location on the ground or attachment to something having such location on the ground, including but not limited to all buildings, independently supported decks, satellite dishes, free-standing signs, outdoor kitchens, and structures used for cooking outside of the principal structure; 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.

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

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

Township Board: Elected members of the governing Board of Trustees of AuSable Charter Township.

Township Engineer: The staff engineer or consulting engineer of the Township.

Transient: A person that occupies a dwelling unit for less than a year.

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

5. Words and Phrases Beginning with the Letters "U" Through "Z":

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 when such variance will result in the spirit of the Zoning Ordinance being preserved, public safety secured, and substantial justice done, and when, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the Zoning Ordinance would result in practical difficulties.

Wall: A free-standing vertical construction intended to serve as a fence, landscaping screen or containment screen.

Wall, : Retaining: A free-standing vertical construction intended to retain backfill of natural soils or stones.

Wild Animal: Any animal not domesticated by humans; or which 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; or which a person is prohibited from possessing by law.

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 2-4 at end of this Section):

- 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 foundation. 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 foundation of the main building. In the case of corner lots, there shall only be one rear yard, which shall be determined by the owner.
- c. **Side Yards:** An open space between the principal building 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 foundation of the main building.

Figure 2-1-A

**PRINCIPAL
BUILDING HEIGHTS**

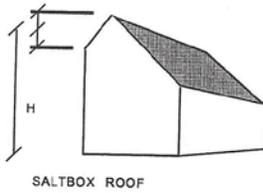
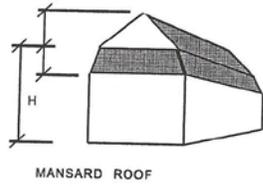
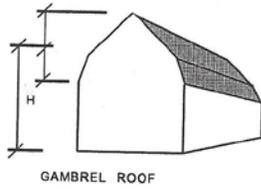
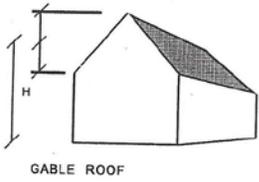
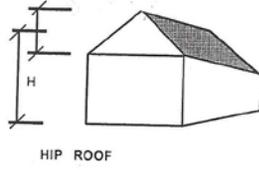
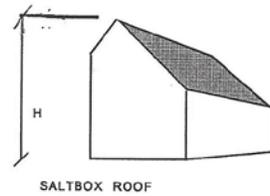
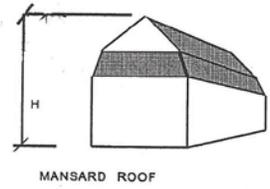
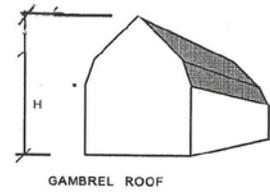
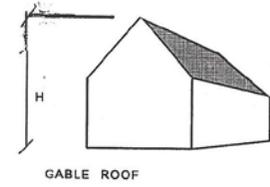
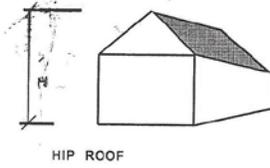
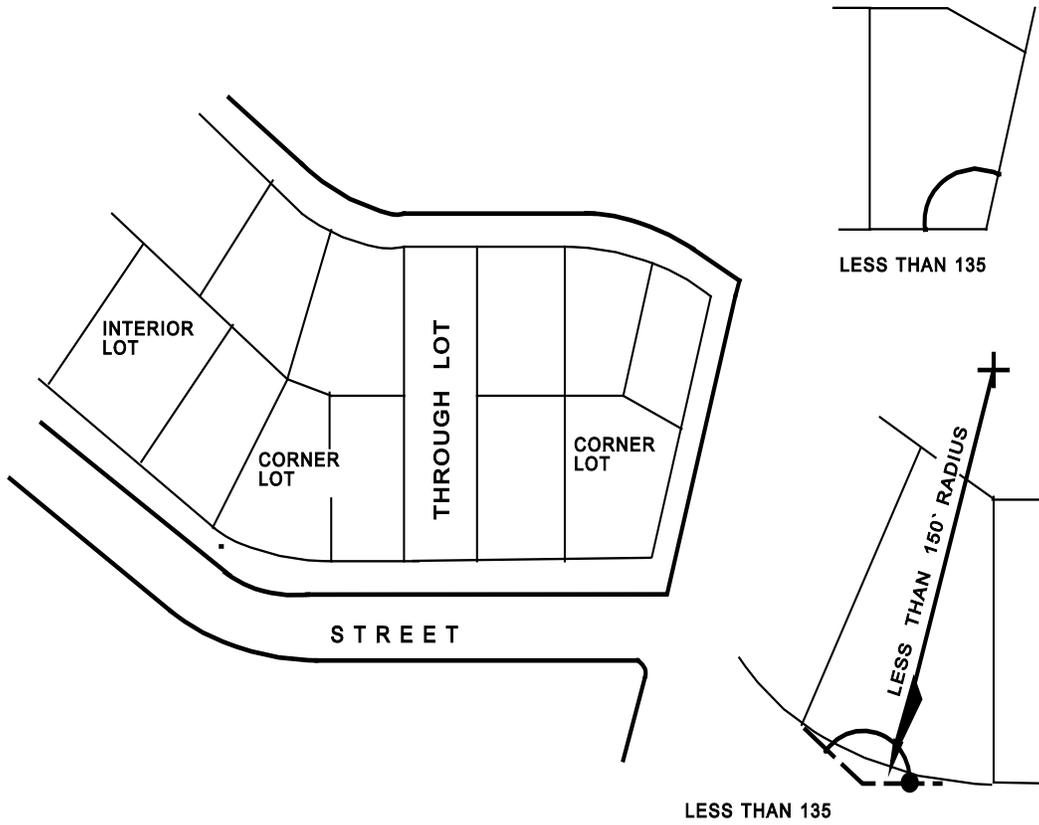


Figure 2-1-B

**ACCESSORY
BUILDING HEIGHTS**



**Figure 2-2
LOT TYPES**



**Figure 2-3
LOT DEPTH**

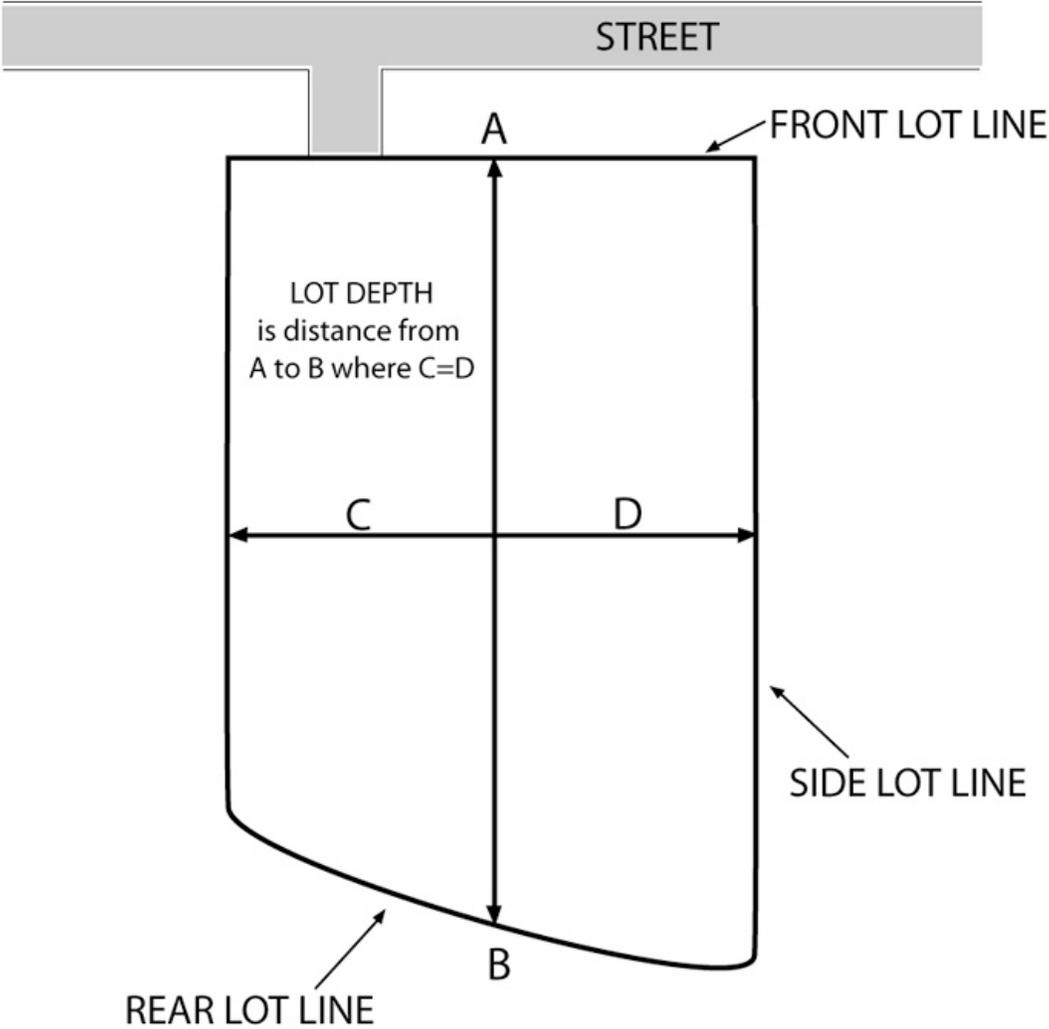


Figure 2-4
LOT LINES AND YARDS

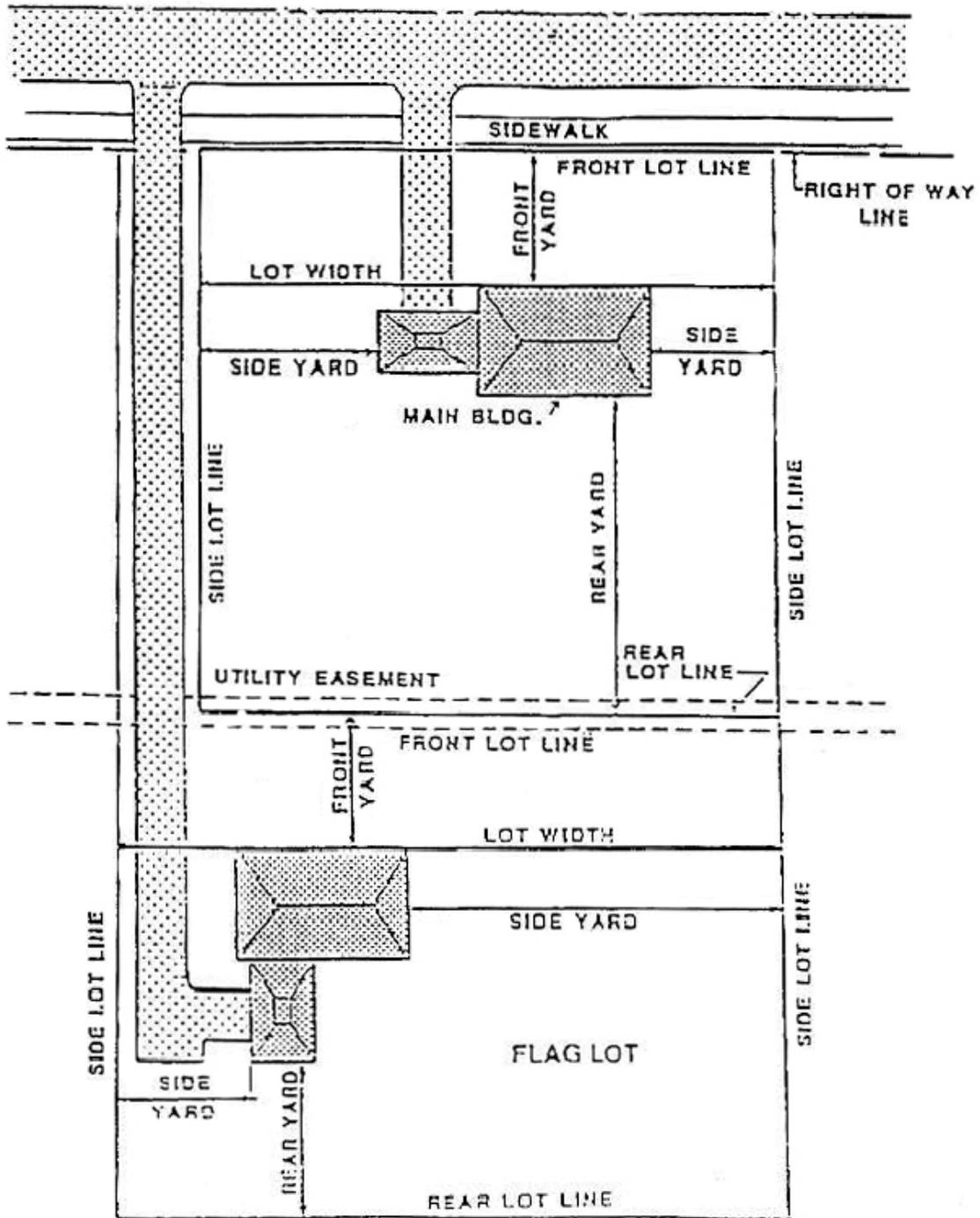
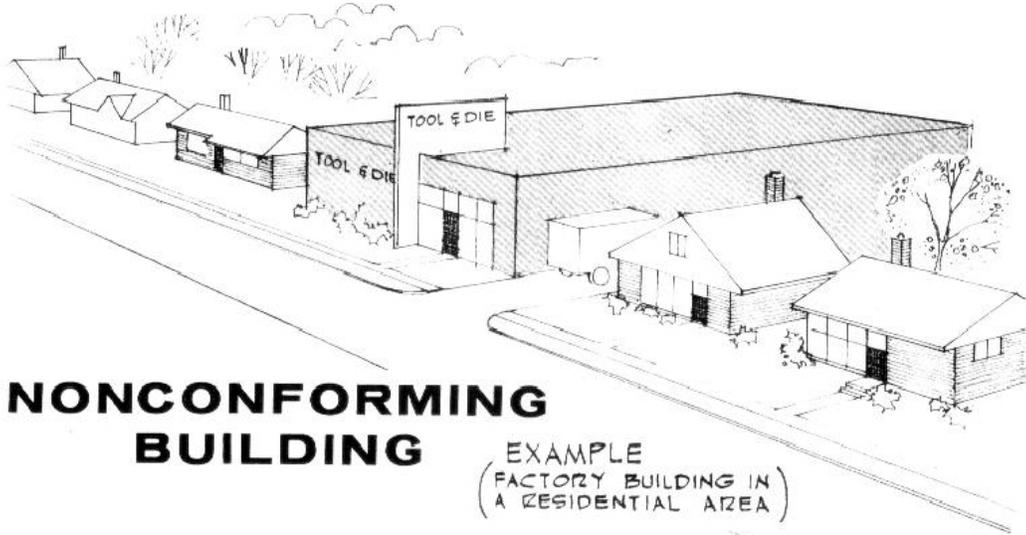
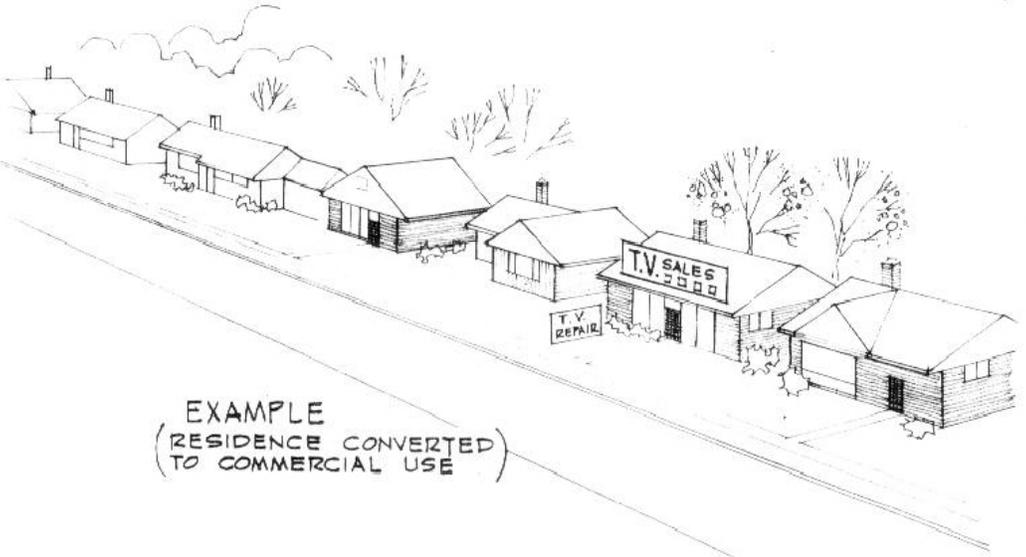


Figure 2-5
NONCONFORMING USE OR STRUCTURE



NONCONFORMING BUILDING

EXAMPLE
(FACTORY BUILDING IN
A RESIDENTIAL AREA)



EXAMPLE
(RESIDENCE CONVERTED
TO COMMERCIAL USE)

NONCONFORMING USE

Article 3

ADMINISTRATION, ENFORCEMENT, AND PENALTIES

Section 3.01 ADMINISTRATION

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

Section 3.02 PUBLIC NOTICE

1. **Public Notification:** All applicants for development approval requiring a public hearing, regardless of whether or not action to be taken is by the Board of Trustees, Planning Commission, or Zoning Board of Appeals shall comply with relevant local, state and federal laws and the other provisions of this Section with regard to public notification.

A. **Responsibility:** When the provisions of this Ordinance or relevant local, state and federal laws require that notice be published, the Township Zoning Administrator shall be responsible for preparing the content of the notice and the Township Clerk having it published in a newspaper of general circulation in the Township and mailed or delivered as provided in this Section.

B. **Content:** All mail, personal and newspaper notices for public hearings shall:

1. **Describe Nature of the Request:** Identify whether the request is for a rezoning, text amendment, special land use, planned unit development, variance, appeal, ordinance interpretation or other purpose.

2. **Location:** Indicate the property that is 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, identifying the nearest cross street, or including a map showing the location of the property. No street addresses must be listed when eleven (11) or more adjacent properties are proposed for rezoning, or when the request is for an ordinance interpretation not involving a specific property.

3. **When and Where the Request will be Considered:** Indicate the date, time and place of the public hearing(s).

4. **Written Comments:** Include a statement describing when and where written comments will be received concerning the request. Include a statement that the public may appear at the public hearing in person or by counsel.

5. **Handicap Access:** Information concerning how handicap access will be accommodated if the meeting facility is not handicap accessible.

C. **Personal and Mailed Notice**

1. **General:** When the provisions of this Ordinance or state law require that personal or mailed notice be provided, notice shall be provided to:

a. The owners of property for which approval is being considered, and the applicant, if different than the owner(s) of the property.

b. Except for rezoning requests involving eleven (11) or more adjacent properties or an ordinance interpretation request that does not involve a specific property to all persons to whom real property is assessed within three hundred (300) feet of the boundary of the property subject to the request, regardless of whether the property or occupant is located within the boundaries of the Charter Township of AuSable. If the name of the occupant is not known, the term "occupant" may be used in making notification. Notification need not be given to more than one (1) occupant of a structure, except that if a structure contains

more than one (1) dwelling unit or spatial area owned or leased by different individuals, partnerships, businesses, or organizations, one (1) occupant of each unit or spatial area shall receive notice. In the case of a single structure containing more than four (4) dwelling units or other distinct spatial areas owned or leased by different individuals, partnerships, businesses or organizations, notice may be given to the manager or owner of the structure who shall be requested to post the notice at the primary entrance to the structure.

- c. All neighborhood organizations, public utility companies, railroads and other persons, which have requested to receive notice pursuant to Section 3.02, of this Ordinance, "Registration to Receive Notice by Mail."
 - d. Other governmental units or infrastructure agencies within one (1) mile of the property involved in the application.
2. **Notice by Mail/Affidavit:** Notice shall be deemed mailed by its deposit in the United States mail, first class, properly addressed, postage paid. The Township Zoning Administrator shall prepare a list of property owners and registrants to whom notice was mailed, as well as of anyone to whom personal notice was delivered.
 3. **Timing of Notice:** Unless otherwise provided in compliance with relevant local, state and federal laws or this Ordinance where applicable, notice of public hearing shall be provided as follows:
 - A. For a public hearing on an application for a rezoning, text amendment, special land use, planned unit development, variance, appeal, or ordinance interpretation: not less than fifteen (15) days before the date the application will be considered for approval.
 - B. Any other public hearing required by this Ordinance will be followed.
 4. **Registration to Receive Notice by Mail:**
 - A. **General:** Any neighborhood organization, public utility company, railroad or any other person may register with the Township Zoning Administrator to receive written notice of all applications for all applications for development approval within the zoning district in which they are located. The Township Zoning Administrator shall be responsible for providing this notification. Fees may be assessed for the provision of this notice, as established by resolution of the Township Board.
 - B. **Requirements:** The requesting party must provide the Township Zoning Administrator information on an official form to ensure notification can be made. All registered persons must re-register bi-annually to continue to receive notification pursuant to this section.

Section 3.03 PLANNING COMMISSION

1. **Approving Body:** The Planning Commission shall be the approving body for commercial use "permitted by right" and all "special land use" requiring land uses except Planned Unit Developments, which shall require Township Board approval. See Article 7: Procedures for Special Land Uses of this ordinance
2. **Appointment:** The Planning Commission is appointed by the Township Board and consists of five (5) members.
3. **Board Appointment:** One (1) member of the Township Board must serve on the Planning Commission.
4. **Terms:** Terms of office are three (3) years and staggered.
5. **Rules:** Establishes its own rules of procedure and elects its own officers.
6. **Malfeasance or Nonfeasance Applicable to the Planning Commission:** The Township Board shall provide for the removal of a Planning Commission member for malfeasance, malfeasance or nonfeasance in office upon written charges and after a public hearing in compliance with relevant

local, state and federal laws. A member shall disqualify himself or herself from a vote in which the member has a conflict of interest. Failure of a member to disqualify himself or herself from a vote in which the member has a conflict of interest constitutes malfeasance in office in compliance with relevant local, state and federal laws.

Section 3.04 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. It shall be the responsibility of the Zoning Administrator to enforce the provisions of this Ordinance and in doing so shall perform, but not necessarily be limited to, the following duties:

- A. **Receive Applications and Issue Permits:** All applications for zoning permits, including permits for signs, businesses, home occupations, dwellings, special land uses, temporary uses, and temporary dwellings, as well as applications for appeals, site plan approvals; and requests for changes to a nonconforming use shall be submitted to the Zoning Administrator who may issue permits when all applicable provisions of this Ordinance have been met and, where necessary, approval has been granted by the Planning Commission, Township Board, or Zoning Board of Appeals.
- B. **Maintain File of Applications and Permits:** The Zoning Administrator shall maintain files of all permit applications, and shall keep a record of all permits issued. The Zoning Administrator shall provide the Township Clerk with a copy of all zoning permits, which shall be filed in the office of the Township Clerk and shall be available for public inspection.
- C. **Inspections:** The Zoning Administrator shall be empowered to make inspections of buildings or premises in order to carry out the enforcement of this Ordinance and shall make such inspections, at a minimum, at the time of staking out of building foundations or structure locations and upon completion of construction authorized by the permit. It shall be the responsibility of the permit holder to notify the Zoning Administrator when construction activities are ready for a zoning compliance inspection. No person shall molest the Zoning Administrator in the discharge of his/her duties. The Zoning Administrator shall seek authority through the Township Supervisor or the legal committee to obtain a search warrant through the Township Attorney any time a property owner refuses access to a property in order to make an inspection to determine compliance with this Ordinance.
- D. **Record of Complaints:** The Zoning Administrator shall keep a record of every complaint of a violation of any of the provisions of this Ordinance, and of the action taken consequent to each complaint; such records shall be open for public inspection.
- E. **Violations:** Enforcement actions may be initiated by a complaint, or by the Zoning Administrator independently anytime he or she identifies a violation.
- F. **Report to the Township Board:** The Zoning Administrator shall report to the Township Board periodically summarizing for the period since the last previous report, all Zoning Permits issued and all complaints of violation and any action taken on each complaint.

Section 3.05 PERMIT PROCEDURES AND REGULATIONS

It is the intent and purpose of this Section to create a review and permit process for the administration of this Ordinance. The primary process shall require the issuance of one (1) permit, which shall be the Zoning Permit. Issuance of such a Permit, pursuant to this Section, shall indicate that the uses and plans for which the Zoning Permit is requested comply with this Ordinance. Upon the issuance of a Zoning Permit, the applicant may erect or alter a building or structure for which the Zoning Permit has been issued only after receiving a Building Permit from the County Building Inspector.

- A. **Zoning Permit Application Required:** No excavation shall be initiated, no building shall be erected, altered, moved or structural alterations (including but not limited to porches, decks, patios or terraces) initiated until a Zoning Permit has been issued by the Zoning Administrator and, where required, a Building Permit has been issued by the County Building Inspector. An application for a Zoning Permit shall be available from the Zoning Administrator. The application shall be completed by the applicant and shall be accompanied by the following:

- B.
1. **Site Plan:** According to the provisions of Sections 6.02 and 6.03 of this Ordinance.
 2. **Sanitary Sewer or Septic Approval:** In the case of a permit for buildings proposed for human occupancy or required by law to have plumbing fixtures, either a report from the Iosco County Health Department certifying in writing the approval of a private sanitary sewage disposal system plan specific to a designated location on the subject property, or when public sanitary sewage service is available or required by local ordinance or state law, a written notice of acceptance or hook-up fee receipt shall be required.
 3. **Water Supply Approval:** When a municipal, public or private water supply system is required by law or proposed by the applicant, either a report from the Iosco County Health Department, certifying approval of a proposed private water supply system, or when municipal or public water supply is required by local ordinance or state law, a written notice of acceptance or hook-up fee receipt shall be required.
- C. **Application Fees:** Fees for review of development proposals, inspections and the issuance of permits or certificates required under this Ordinance shall be deposited with the Township Clerk in advance of processing any application or issuance of any permit. No application for approval for which a fee is requested will be processed until the fee is deposited with the Township Clerk. The amount of such fees shall be established by the Township Board by resolution and shall cover the cost of inspection and supervision resulting from the enforcement of this Ordinance. Such fees may include but are not limited to all costs associated with conducting a public hearing or inspection, including newspaper notice, postage, photocopying, and staff time; Planning Commission, Township Board and/or Zoning Board of Appeals time; mileage; and any costs associated with reviews by qualified professionals including professional planners and/or engineers.
1. **When Professional Review Fee is Required:** For any application for approval of a Site Plan, Special Land Use, variance, or other use or activity requiring a permit under this Ordinance, either the Zoning Administrator, Zoning Board of Appeals, Planning Commission or Township Board may require the payment of a professional review fee, and this fee shall be in accordance with the Charter Township of AuSable Escrow Policy. (see Appendix A) A fee may be requested for any project which may, in the discretion of the Zoning Administrator, Zoning Board of Appeals, Planning Commission, or Township Board, create conditions on the subject site hazardous to the general public health, safety, or welfare, including vehicular circulation patterns, or create an identifiable and potentially negative impact on public infrastructure or services or on adjacent properties, and because of which professional input is desired before a decision to approve, deny or approve with conditions is made.
 2. **Professional Review and Report:** Any portion of a fee may be used to pay professional review expenses of engineers, community planners, and any other professionals whose expertise the Zoning Administrator, Zoning Board of Appeals, Planning Commission or Township Board values to review the proposed application and/or site plan of an applicant. Professional review shall result in a report to the Township indicating the extent of conformance or nonconformance with this Ordinance and to identify any problems, which may create a threat to public health, safety or the general welfare. Mitigation measures or alterations to a proposed design may be identified where they would serve to lessen or eliminate identified impacts. The applicant will 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.
 3. **Fee Balance:** The applicant is entitled to a refund of any unused fee at the time a permit is either issued or denied in response to the applicant's request. If actual professional review costs exceed the amount of the fee, the applicant shall pay the balance due prior to receipt of any Zoning Permit or other permit issued by the Township in response to the applicant's request.

- D. **Processing of Application:** The Zoning Administrator shall review the zoning permit application to determine that it is complete and, if so, forward the application to the appropriate decision-making body, unless the Zoning Administrator is the approving body.
1. The Zoning Administrator shall be the approving body for all uses permitted “by right” not requiring site plan approval, unless the Zoning Administrator defers approval to the Planning Commission. (See Article 6: Procedures for Site Plan)
 2. The Planning Commission shall be the approving body for all uses permitted “by right” requiring site plan review and all special land uses except planned unit developments, which shall require Township Board approval. (See Article 7: Procedures for Special land Uses)
- E. **Permit Issuance, Withholding, Expiration, and Revocation:**
1. **Issuance:** Whenever the buildings, structures, and uses as set forth in any application are in conformity with the provisions of this Ordinance, or a variance granted by the Zoning Board of Appeals, the Zoning Administrator shall issue the appropriate permit. A performance guarantee may be required as a condition to the issuance of any Zoning Permit in order to insure conformance with the requirements of this Ordinance. (See Section 3.06). In any case where a permit is refused, the reasons shall be stated in writing to the applicant. No Zoning Permit shall be granted which relies upon a variance until eight (8) days following the decision of the Zoning Board of Appeals has expired.
 2. **Withholding Permit:** The Zoning Administrator may withhold any Zoning Permit pending verification that an applicant has received required county, state or federal permits including but not limited to septic and water well permits; soil erosion and sedimentation control permits; wetlands permits; flood plain and culvert permits; driveway permits; or building permits. Likewise, wherever this Ordinance authorizes permit approval by the Planning Commission or Township Board, the Planning Commission or Township Board may condition final approval of the requested development activity upon the receipt of any of the above mentioned county, state or federal approvals and/or direct the Zoning Administrator not to issue a Zoning Permit until said permits from other agencies have been obtained.
 3. **Expiration of Permit:** Any permit granted under this Section shall become null and void after one (1) year from the date of granting such permit unless the development proposed or activity authorized shall have passed its first inspection by the Zoning Administrator. Before voidance is actually declared, the Zoning Administrator shall notify the applicant of such voiding action by sending a notice to the applicant at the address indicated on the permit application at least ten (10) days before such voidance is effective, provided however, that the Planning Commission may waive or extend the period of time in which the permit is to expire if it is satisfied that the owner or developer is maintaining a good faith intention to proceed with construction. Upon expiration without a waiver extension, the permit shall be renewable upon reapplication and upon payment of the original fee, subject to the provisions of all ordinances in effect at the time of renewal.
- F. **Relation to Nonconforming Uses:** It shall not be necessary for an owner of a legal nonconforming structure or use, existing on the effective date of this Ordinance, to obtain a Zoning Permit in order to maintain its legal, nonconforming status. However, no nonconforming building, structure, or use shall be renewed, changed, or extended pursuant to Article 19 until a Zoning Permit has been issued by the Zoning Administrator. In such cases the Permit shall state specifically how the nonconforming building, structure, or use differs from the provisions of this Ordinance.
- G. **Occupancy Permit:** No structure or use shall be occupied without first receiving a certificate of occupancy permit from the Building Inspector.
- H. **Zoning Compliance Permit:** No use shall be established or changed without first obtaining a zoning compliance certificate from the Zoning Administrator.

Section 3.06 VIOLATIONS

1. **Violations are Nuisances Per Se/Civil Infraction:** Violations of any provisions of this Ordinance are declared to be nuisances per se. Any violation of any provision of this ordinance or any permit, license or exception granted hereunder, or any lawful order of the Zoning Administrator, Zoning Board of Appeals, Planning Commission or the Township Board issued in pursuance of this Ordinance can be corrected by way of the Township civil infraction procedure as herein established, in addition to any of the other remedies as set forth in other sections of this Ordinance, and shall be a Township Infraction. A violation includes any act, which is prohibited or made or declared to be unlawful or an offense by this Ordinance and any omission or failure to act where the act is required by this Ordinance.
2. **Sanctions:** The sanction for any violation of this Ordinance, which is a Township civil infraction shall be a civil fine as provided in Section 4 below, plus costs, damages, expenses and other sanctions as authorized under Act 236 of the Public Acts of 1961, as amended. The Township Board may institute injunction, whether preliminary, ex-parte, temporary, or otherwise, mandamus, abatement or other appropriate proceedings to prevent, enjoin, abate or remove any violations of this Ordinance. The imposition of any fine, or jail sentence or both shall not exempt the violator from compliance with the provisions of this Ordinance. All remedies as provided for in this Section of the Ordinance, or any other Section hereof, shall be viewed as set forth with this entire Ordinance, or failure to assert such remedy, shall not be deemed a waiver of the ability of the Township to pursue whatever other relief may be provided for either within this Ordinance or generally available to it by relevant law.
3. **Authorized Officials:** The Zoning Administrator or the Deputy Zoning Administrator are the Township officials authorized to issue Township civil infraction citations and Township civil infraction violation notices for violations of this Ordinance.
4. **Progression of Penalties:**
 - A. A person, corporation or firm who, as a result of violating any provision of this Ordinance, shall be issued a "Notice of Zoning Ordinance Violation" which provides a prescribed period of time to correct the violation to the satisfaction of the authorized Township official who issued the notice.
 - B. A person, corporation or firm who fails to comply with the Notice of Violation, shall be responsible for any one or all of the following:
 1. Being ticketed and found responsible for a civil infraction of this Ordinance, with payment of a fine of not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00), plus maximum costs of five hundred dollars (\$500.00).
 - a. First Offense: A civil fine for a first offense shall be in the amount of up to \$50 plus costs, including legal fees and administrative costs, and other sanctions as allowed by law.
 - b. Second occurrence of the same violation during one year (within 365 days from the first occurrence) may be fined up to \$250 plus costs, including legal fees and administrative costs and other sanctions as allowed by law.
 - c. Third occurrence of the same violation during one year (within 365 days from the first occurrence) may be fined up to \$500 plus costs, including legal fees and administrative costs and other sanctions as allowed by law.
 2. Being subject to criminal actions, and being found guilty of a criminal misdemeanor, and facing possible imprisonment for up to ninety (90) days in jail and having to pay all costs of criminal prosecution.
 3. Being found responsible for and being subject to a Circuit Court restraining order, and for further violation of said restraining order, incarceration in the County jail until compliance of the zoning violation is obtained, plus payment of all costs of prosecution.

Section 3.07 REVOCATION

The Zoning Administrator shall have the power to revoke or cancel any Zoning Permit in case of failure or neglect to comply with any provisions of this Ordinance, or in the case of any false statement or misrepresentation made in the application. Upon such revocation, all further construction activities and usage shall cease upon the site, other than for the purpose of correcting the violation. The Zoning Administrator may issue a stop work order to halt all construction activities and usage pending a decision on revocation of said permit.

Section 3.08 PERFORMANCE GUARANTEE FOR COMPLIANCE

1. **Purpose:** In authorizing any Zoning Permit or variance, the body or official, which approves the respective request, as designated by this Ordinance, may require that a performance guarantee or bond be furnished:
 - A. To insure compliance with the requirements, specifications and conditions imposed with the grant of such approval, permit or variance;
 - B. To insure the discontinuance of a temporary use by a stipulated time; and
 - C. To provide sufficient resources for the Township to complete required improvements or conditions in the event the permit holder does not. A performance guarantee may be required as a condition for the issuance of a Zoning Permit in addition to any other condition established pursuant to Section 18.15.
2. **Requirements of Guarantee:** The performance guarantee shall meet the following requirements:
 - A. **Improvements Covered:** Improvements that shall be covered by the performance guarantee include those features and actions associated with the project, which are considered necessary by the approving body to protect natural resources or the health, safety, and welfare of the residents of the Township and future users or inhabitants of the proposed project or project area, including roadways, lighting, utilities, common open space improvements, lighting, drainage and sidewalks.
 - B. **Form:** The performance guarantee shall be in the form of cash, certified check, irrevocable bank letter of credit, surety bond, or similar instrument acceptable to the Township Clerk, which names the property owner as the obligor and the Township as the obligee. 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.
 - C. **Amount and Time Required:** The amount of the performance guarantee or bond should be sufficient to cover the estimated cost of the improvements or conditions, according to a detailed cost estimate submitted by the applicant and approved by the designated approving body of the project. After approval of the detailed cost estimate by the approving body, the performance guarantee or bond shall be submitted at the time of issuance of the permit authorizing the activity of the project.
3. **Return of Performance Guarantee or Bond:** The following procedure shall be followed in the return of performance guarantees or bonds:
 - A. **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 Township Clerk of completion of said improvements. Thereupon, the Zoning Administrator shall inspect all of the improvements and shall transmit recommendation to the Planning Commission and Township Board indicating, either approval, partial approval, or rejection of the improvements or conditions with a statement of the reasons for any rejections. If partial approval is indicated, the cost of the improvement or condition rejected shall be set forth.
 - B. **Approval of Payment:** The Planning Commission, or in the case of a planned unit development the Township Board, shall either approve, partially approve or reject the improvements or conditions with the recommendation of the Zoning Administrator's written statement and shall notify the obligor in writing of the action of the Planning Commission or Township Board within forty-five (45) days after receipt of the notice from the obligor of the completion of the

improvements. Where approval or partial approval is granted, the Planning Commission or Township Board shall notify the Township Clerk of such approval and the Township Clerk shall release the approved payment to the applicant. The portion of the performance guarantee to be rebated shall be in the same amount as stated in the itemized cost estimate for the applicable improvement or condition.

Where partial approval is granted, the obligor shall be released from liability pursuant to relevant portions of the performance guarantee or bond, except for that portion adequately sufficient to secure provision of the improvements not yet approved.

- C. **Lack of Full Completion:** Should installation of improvements begin and 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 developer, and assess all costs of completing the improvements or conditions against the performance guarantee or bond. Any balance remaining shall be returned to the applicant.
- 4. **Performance Guarantee for Razing of Building:** The Zoning Administrator may require a bond prior to the razing or demolition of principal structures and accessory structures having more than one hundred forty-four (144) square feet of floor area. The amount of the performance guarantee shall be determined according to a guideline of one thousand dollars (\$1,000.00) for each one thousand (1,000) square feet or fraction thereof of floor area of the structure to be razed. A guarantee shall be conditioned on the applicant completing the razing within such reasonable period as shall be prescribed in the permit and complying with such regulations as to health and safety as the Zoning Administrator, Fire Chief or the Township Board may from time to time prescribe, including filling of excavations and proper termination of utility connections.
- 5. **Record of Performance Guarantees:** A record of authorized performance guarantees shall be maintained by the Zoning Administrator.

Section 3.09 MISCELLANEOUS POWER OF THE TOWNSHIP BOARD

The Charter Township of AuSable shall be allowed access onto the premises during the period of time of a project so as to be able to ascertain adherence to all ordinances of the Charter Township of AuSable.

Article 4

ZONING BOARD OF APPEALS

Section 4.01 CREATED; MEMBERSHIP

1. **Members:** In compliance with relevant local, state and federal laws there shall be established and appointed by a majority vote of the Township Board, a Zoning Board of Appeals. Such Board shall consist of five (5) members, one (1) of whom shall be a member of the Township Board, and one (1) a citizen member of the Planning Commission with appointment by the Township Board coinciding with his/her Planning Commission term, and three (3) members who shall be appointed by the Township Board. Each member shall be appointed to hold office for a full three (3) year term. No elected officer or employee of the Township, other than the Township Board member, shall be a member of the Board. Any vacancy in the Board shall be filled by the Township Board for the remainder of the unexpired term. Compensation of members of the Zoning Board of Appeals shall be fixed by the Township Board.
2. **Alternates:** The Township Board may also, if it so desires, appoint not more than two (2) alternate members for the same term as regular members of the Zoning Board of Appeals. An alternate member may be called in the absence of a regular member who will be unable to attend one (1) or more meetings. An alternate member may also be called to service in place of a regular member of the purpose of reaching a decision on a case in which the regular member has abstained for reasons of conflict of interest. The alternate member having been appointed shall have the same voting rights as a regular member of the Zoning Board of Appeals.
3. **Vacancies:** A successor member of the Zoning Board of Appeals must be appointed by the Township Board not more than one (1) month after the term of the proceeding member has expired in compliance with relevant local, state and federal laws.
4. **Malfeasance or Nonfeasance Applicable to the ZBA:** The Township Board shall provide for the removal of a Zoning Board of Appeals member for misfeasance, malfeasance or nonfeasance in office upon written charges and after public hearing in compliance with relevant local, state and federal laws. A member shall disqualify himself or herself from a vote in which the member has a conflict of interest. Failure of a member to disqualify himself or herself from a vote in which the member has a conflict of interest constitutes malfeasance in office in compliance with relevant local, state and federal laws.
5. **Procedure:** The Zoning Board of Appeals shall annually elect its own chairman and at such other times as the Board may determine by rule. All meetings of the Board shall be open to the public. The Board shall adopt its own rules of procedure and shall maintain a record of its proceedings, which shall be filed in the office of the Township Clerk and shall be a public record. The fees to be charged for appeals shall be set by resolution of the Township Board.

Section 4.02 POWERS OF ZONING BOARD OF APPEALS

The Zoning Board of Appeals shall not have the power to alter or change the zoning district classification of any property, nor to make any change in the terms of this Ordinance, but does have power to act on those matters where this Ordinance provides for an appeal, administrative review, interpretation, exception or variance as defined as follows:

- A. **Administrative Review:** The Zoning Board of Appeals shall hear and decide questions that arise in the administration of the zoning ordinance including its interpretation and interpretation of the zoning map.
- B. **Appeal:** The Zoning Board of Appeals shall hear and decide appeals from and review any administrative order, requirement, decision or determination made by any Township administrative official or body charged with enforcement of this ordinance.

- C. **Special Land Use Approvals:** The Zoning Board of Appeals shall not hear appeals of decisions regarding Special Land Use or Planned Unit Development requests.

- D. **Non Use Variance:** The Zoning Board of Appeals may grant nonuse variances relating to the construction, structural changes, or alteration of buildings or structures related to dimensional requirements of this ordinance or to any other nonuse-related standard in this ordinance. Variances may be granted when practical difficulties prevent compliance with the strict letter of this ordinance so that the spirit of the ordinance is observed, public safety secured, and substantial justice done. In addition, the Zoning Board of Appeals may grant variances in height and bulk requirements for public utility installations. In granting any variance, the Board of Appeals may attach thereto such conditions regarding the location, character and other features of the proposed uses, as it may deem reasonable in furtherance of the purposes of this Ordinance. In granting a variance, the Board of Appeals shall state the grounds upon which it justified the granting of a variance.

Section 4.03 APPEALS PROCEDURE

Appeals and requests may be made to the Zoning Board of Appeals by any person, firm or corporation aggrieved or by any governmental officer, department, board or bureau by filing a notice of appeal with the Board of Zoning Appeals on appropriate forms provided by the Zoning Administrator and payment of the required fee. The Board of Appeals may require the applicant to furnish such surveys, plans or other information as may be reasonably required to the Board of Appeals for the proper consideration of the matter.

The Zoning Board of Appeals shall fix a reasonable time for the hearing of an appeal or request for interpretation or variance, giving due notice thereof pursuant to the notice requirements in compliance with relevant local, state and federal laws. (See Section 3.02.) Parties may appear at the hearing in person, or by agent or attorney.

The Board of Appeals may reverse or affirm wholly or partly or may modify an order, requirement, decision or determination as in its opinion ought to be made in the premises and to that end shall have all the powers of the officer from whom the appeal is taken. The concurring vote of a majority of the Board of Appeals shall be necessary to reverse any order, requirement, decision or determination of the Zoning Administrator or to decide in favor of the applicant any matter upon which it is required to pass under this Ordinance or to effect any variation in this Ordinance.

An appeal shall stay all proceedings in furtherance of the action appealed from, unless the Zoning Administrator certifies to the Board of Appeals, after notice of appeal shall have been filed with him, that by reason of facts stated in the certificate a stay would cause imminent peril to life and property, in which case the proceedings shall not be stayed otherwise than by a restraining order, which shall be granted by the Zoning Board of Appeals or by the Circuit Court on application.

If the Board of Appeals receives a written request seeking an interpretation of the zoning ordinance or an appeal of an administrative decision, the Zoning Board of Appeals shall conduct a public hearing on the request. Notice shall be given as required under Section 3.02.

A member of a Zoning Board of Appeals who is also a member of the Planning Commission shall not participate in a public hearing on or vote on the same matter that the member voted on as a member of the Planning Commission. However, the member may consider and vote on other unrelated matters involving the same property.

An appeal from a decision of the Board of Appeals must be filled within thirty (30) days after the Board of Appeals decision in writing, or within twenty (20) days of the Board of Appeals approved minutes.

Section 4.04 STANDARDS

Each case before the Zoning Board of Appeals shall be considered as an individual case and shall conform to the detailed application of the following standards in a manner appropriate to the particular circumstances of such case. The Board shall give consideration to the following:

- A. **Standards for Non-Use Variances:** A non-use variance requires a showing of practical difficulties in complying with relevant local, state, and federal ordinances, laws, and regulations
- B. **Applicant:** The applicant must show practical difficulty by demonstrating all of the following:
1. That strict compliance with area, setbacks, frontage, height, bulk, or density would unreasonably prevent the owner from using the property for a permitted purpose, or would render conformity unnecessarily burdensome;
 2. That a variance would do substantial justice to the applicant as well as to other property owners in the district, or whether a lesser relaxation would give substantial relief and be more consistent with justice to others;
 3. That the plight of the property owner is due to unique circumstances of the property.
 4. That the problem is not self-created.
- C. **Plans and Documentation, as applicable, should be Submitted as Follows:**
1. The location and size of the use.
 2. The nature and intensity of the operations involved in or conducted in connection with the use..
 3. Size, layout and relation to pedestrian and vehicular traffic to and from the use.
 4. The assembly of persons in connection with the use will not be hazardous to the neighborhood or be incongruous therewith or conflict with normal traffic of the neighborhood. The use shall take into account, among other things, convenient routes of pedestrian traffic, particularly of children.
 5. Vehicular turning movements in relation to routes of traffic flow, relation to street intersections, site distance and the general character and intensity of development of the neighborhood.
 6. The location and height of buildings, the locations, nature and height of walls, fences and the nature and extent of landscaping of the site shall be such that the use will not hinder or discourage the appropriate development and use of adjacent land and buildings or impair the value thereof.
 7. The nature, location, size, and site layout of the use shall be such that it will be a harmonious part of the district in which it is situated, taking into account, among other things, prevailing shopping habits, convenience of access by prospective patrons, the physical and economic relationship of one (1) type of use to another and related characteristics.
 8. The location, size, intensity and site layout of the use shall be such that its operations will not be objectionable to nearby dwellings by reason of noise, fumes or flash of lights to a greater degree than is normal with respect to the proximity of commercial to residential uses, nor interfere with an adequate supply of light and air, nor increase the danger of fire or otherwise endanger the public safety.
- E. **Fees:** Fees for the processing of appeals shall be established by resolution of the Township Board.

Section 4.05 STAY

An appeal shall stay all proceedings in furtherance of the action appealed. The Zoning Administrator may certify to the Zoning Board of Appeals after notice of appeal has been filed, that, by reason of facts stated in the certificate, a stay would, in the Administrator's opinion, cause imminent peril to life or property. Under such conditions, the proceedings shall not be stayed otherwise than by a restraining order, which

may be granted by the Zoning Board of Appeals, or, on application, by court of record. This paragraph shall not be in derogation of any rights the Township may have at law.

Section 4.06 REVIEW BY CIRCUIT COURT

The decision of the Zoning Board of Appeals shall be final. However, any party having an interest affected by an order, determination or decision of the Zoning Board of Appeals may obtain a review thereof both on the facts and the law, in the Circuit Court provided that application is made to the Court within thirty (30) days after the delivery of a final decision.

Section 4.07 MISCELLANEOUS

No order of the Zoning Board of Appeals permitting the erection or alteration of buildings shall be valid for a period longer than one (1) year, unless an appropriate permit is obtained and such erection or alteration has commenced pursuant to the terms of such permit.

Article 5

PROCEDURES FOR AMENDMENTS

Section 5.01 PURPOSE AND INTENT

The purpose of this Ordinance is for establishing and maintaining sound, stable and desirable development within the territorial limits of the Township. It is not intended that this Ordinance be amended except to correct an error in the Ordinance, to address changed or changing conditions in a particular area in the Township, to conform with changes to the Future Land Use Plan and/or other ordinances of the Township, to meet public need for new or additional land uses in areas so contemplated by the Future Land Use Plan, or to further protect the environment, neighborhoods, public infrastructure or other public investment in the Township.

Section 5.02 INITIATION OF AMENDMENTS

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

Section 5.03 FILING FEE

The Township Board shall establish by resolution, a fee to be paid in full at the time of receipt of any application to amend this Ordinance (see Township Fee Schedule and Escrow Policy in Appendix A). Said fee shall be collected by the Township Clerk and no part shall be refundable to the applicant. The purpose of such fee is to cover, in part, the necessary advertisements, investigations, hearing records and other expenses incurred in connection with the petition. Additional fees will be charged to the applicant if additional costs are incurred which the initial fee does not adequately cover, such as costs associated with legal, planning, engineering or other related consultation. No fee shall be charged when the applicant is the Township Board or Planning Commission.

Section 5.04 PROCEDURES

1. **Application:** A petitioner shall submit a completed application for ordinance amendment to the Zoning Administrator on a form established for that purpose, which shall include a detailed description of the proposed amendment. 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 submit the following information:
 - A. A scaled map of the property clearly showing the property's location, correlated with the legal description, and sealed by a professional engineer or registered land surveyor. This requirement may be waived for applications made by the Planning Commission or Township Board if comparable documentation is provided.
 - B. The name and address of the applicant, and the name and address of the owner if the applicant is not the owner.
 - C. The applicant's interest in the property,
 - D. The desired change and reasons for such change.
 - E. Signature(s) of petitioner(s) and owner(s) certifying the accuracy of the required information.
2. **Zoning Administrator Review:** The Zoning Administrator shall review the application form to ensure it is complete. Any application not properly filed or complete shall be returned to the applicant. Complete applications shall be transmitted to the Planning Commission.
3. **Notice of Hearing:** After the Township Zoning Administrator has transmitted the amendment application to the Township Planning Commission; the Planning Commission shall establish a date for a public hearing on the application, which will be conducted by the Planning Commission within

sixty (60) days of the date of application receipt. The Planning Commission shall give notice of the public hearing in compliance with relevant local, state and federal laws.

4. Planning Commission Actions:

- A. **Planning Commission Review:** In reviewing any application for an amendment to this Ordinance, the Planning Commission shall identify and evaluate all factors relevant to the application. Findings of fact shall be gathered and shall be made a part of the public records of the meetings of the Planning Commission. The matters to be considered by the Planning Commission shall include, but shall not be necessarily limited to, the following:
1. What, if any, identifiable conditions related to the application have changed which justify the proposed amendment?
 2. What are the precedents and the possible effects of such precedent, which might result from the approval or denial of the petition?
 3. 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?
 4. Are the proposed changes consistent with the Township Master Plan?
- B. Additionally, if the amendment to the Ordinance is for a rezoning of a parcel or parcels, the following questions shall be considered:
1. Does the petitioned district change adversely affect environmental conditions, or the value of the surrounding property?
 2. Does the petitioned district change generally comply with the adopted Future Land Use Plan?
 3. Is the property in question able to be put to a reasonable economic use in the zoning district in which it is presently located?
 4. Is the proposed change consistent with other zones, land uses and the trend of development in the area?
 5. Was an error made in delineating the original district boundaries?
- C. **Outside Agency Review:** In determining the above mentioned findings of fact, the Planning Commission may solicit information and testimony from officials of other agencies including, but not limited to, the County Health Department, County Road Commission, County Drain Commission, any school district affected, and the County Planning Commission.
- D. **Planning Commission Recommendation:** The Township Planning Commission shall transmit its findings of fact and a summary of comments received at the public hearing to the Township Board, and transmit its findings of fact to the County Planning Commission. The Township Planning Commission shall report its findings in full along with its recommendations for disposition of the application, to the Township Board and County Planning Commission within a period of sixty (60) days following the required public hearing in subsection (3) above.

5. Township Board Actions:

- A. After receiving the findings and recommendations of the Township Planning Commission, and after receiving the findings and recommendations of the County Planning Commission unless such review is waived by the County Planning Commission or not received by the Township within thirty (30) days of the County Planning Commission's receipt of the Township Planning Commission's findings and recommendations, the Township Board at any regular meeting or at any special meeting called for that purpose, shall consider said findings of fact and recommendations and vote upon the adoption of the proposed amendment. Such action shall be by Ordinance, requiring a majority vote of the Township Board.

- B. The Township Board may deviate from the recommendation of the Planning Commission and has the option of referring the application back to the Planning Commission, which shall have thirty (30) days after such referral in which to make further recommendation to the Township Board, after which the Township Board shall take such action as it determines. In the event that the Township Board refers an application back to the Planning Commission, the Township Board shall make specific mention of their objections to results of the Planning Commissions findings and recommendations.
- C. The Township Board may hold additional hearings if the Township Board considers it necessary. Notice of a public hearing held by the Township Board shall conform to the public hearing notice requirements in compliance with relevant local, state and federal laws need only be published once in a newspaper of general circulation in the Township, not more than fifteen (15) days nor less than five (5) days before the hearing.

6. Publication Of Notice Of Ordinance Amendments: Following adoption of subsequent amendments to this Ordinance by the Township Board, one (1) notice of adoption shall be published in a newspaper of general circulation in the Township by the Township Clerk within fifteen (15) days after adoption. The notice shall include the following information:

- A. Either a summary of the regulatory effect of the amendment including the geographic area affected, or the text of the amendment.
- B. The effective date of the amended Ordinance.
- C. The place and time where a copy of the amended Ordinance may be purchased or inspected.

Section 5.05 RESUBMITTAL

No application for an amendment to the Zoning Map or text 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 Township Board to be valid.

Section 5.06 CONDITIONAL REZONING

- 1. **Intent:** It is recognized that there are certain instances where it would be in the best interests of the Township, as well as advantageous to property owners seeking a change in zoning boundaries, if certain conditions could be proposed by property owners as part of a request for rezoning. It is the intent of this Section to provide a process in compliance with relevant local, state and federal laws by which an owner seeking a rezoning may voluntarily propose conditions regarding the use and/or development of land as part of the rezoning request.
- 2. **Application and Offer of Conditions:**
 - A. An owner of land may voluntarily offer in writing conditions relating to the use and/or development of land for which a rezoning is requested. This offer may be made either at the time the application for rezoning is filed, or may be made at a later time during the rezoning process.
 - B. The required application and process for considering a rezoning request with conditions shall be the same as that for considering rezoning requests made without any offer of conditions, except as modified by the requirements of this Section.
 - C. The owner's offer of conditions may not purport to authorize uses or developments not permitted in the requested new zoning district.
 - D. The owner's offer of conditions shall bear a reasonable and rational relationship to the property for which rezoning is requested.
 - E. Any use of development proposed as part of an offer of conditions that would require a special land use permit under the terms of the Ordinance may only be commenced if a special land use

permit for such use or development is ultimately granted in accordance with the provisions of this Ordinance.

- F. Any use or development proposed as part of an offer of conditions that require variance under the terms of this Ordinance may only be commenced if a variance for such use or development is ultimately granted by the Zoning Board of Appeals in accordance with the provisions of this Ordinance.
 - G. Any use or development proposed as part of an offer of conditions that would require site plan approval under the terms of this Ordinance may only be commenced if site plan approval for such use or development is ultimately granted in accordance with the provisions of this Ordinance.
 - H. The offer of conditions may be amended during the process of rezoning consideration provided that any amended or additional conditions are entered voluntarily by the owner. An owner may withdraw all or part of its offer of conditions any time prior to final rezoning action provided that, if such withdrawal occurs subsequent to the Planning Commission's public hearing on the original rezoning request, then the rezoning application shall be referred to the Planning Commission for a new public hearing with appropriate notice and a new recommendation.
- 3. **Planning Commission Review:** Planning Commission, after public hearing and consideration of the factors for rezoning shall recommend approval, approval with recommended changes or denial of the rezoning, provided, however, that any recommended changes to the offer of conditions are acceptable to and thereafter offered by the owner.
 - 4. **Township Board Review:** After receipt of the Planning Commission's recommendations, the Township Board shall deliberate upon the requested rezoning and may approve or deny the conditional rezoning request. This Township Board's deliberations shall include, but not be limited to, a consideration of the factors for rezoning of this Ordinance. Should the Township Board consider amendments to the proposed conditional rezoning advisable and if such a contemplated amendments to the offer of conditions are acceptable too and thereafter offered by the owner, then the Township Board shall, in accordance with Section 4.05 of the Michigan Zoning Enabling Act (MCL125.3405), refer such amendments to the Planning Commission for a report thereon within a time specified by the Township Board and proceed thereafter in accordance with said statute to deny or approve the conditional rezoning with or without amendments.
- 5. **Approval:**
 - A. If the Township Board finds the rezoning request and offer of conditions acceptable, the offered conditions shall be incorporated into a formal written Statement of Conditions acceptable to the owner and conforming in form to the provisions of this Section. The Statement of Conditions shall be incorporated by attachment or otherwise as an inseparable part of the ordinance adopted by the Township Board to accomplish the requested zoning.
 - B. The Statement of Conditions shall:
 - 1. Be in a form recordable with the Register of Deeds of the County in which the subject land is located or, in the alternative, be accompanied by a recordable Affidavit, or Memorandum prepared and signed by the owner giving notice of the statement of Conditions in a manner acceptable to the Township Board.
 - 2. Contain a legal description of the land to which it pertains.
 - 3. Contain a statement acknowledging that the Statement of Conditions runs with the land and is binding upon successor owners of the land.
 - 4. Incorporate by attachment or reference any diagram, plans or other documents submitted or approved by the owner that are necessary to illustrate the implementation of the Statement of Conditions. If any such documents are incorporated by reference, the reference shall specify where the document may be examined.

5. Contain a statement acknowledging that the Statement of Conditions or an Affidavit or Memorandum giving notice thereof may be recorded by the Township with the Register of Deeds of the County in which the land referenced in the Statement of Conditions is located.
 6. Contain the notarized signatures of all of the owners of the subject land preceded by a statement attesting to the fact that they voluntarily offer and consent to the provisions contained within the Statement of Conditions.
- C. Upon rezoning taking effect, the Zoning Map shall be amended to reflect the new zoning classification along with a designation that the land was rezoned with a Statement of Conditions. The Township Clerk shall maintain a listing of all lands rezoned with a Statement of Conditions.
 - D. The approved Statement of Conditions or an Affidavit or Memorandum giving notice thereof shall be filed by the Township with the Register of Deeds of the County. The Township Board shall have authority to waive this requirement if it determines that, given the nature of the conditions and/or the time frame within which the conditions are to be satisfied, the recording of such a document would be of no material benefit to the Township or to any subsequent owner of the land.
 - E. Upon the rezoning taking effect, the use of the land so rezoned shall conform thereafter to all of the requirements regulating use and development within the new zoning district as modified by any more restrictive provisions contained in the Statement of Conditions.
- 6. Compliance with Conditions:**
- A. Any person who establishes a development or commences a use upon land that has been rezoned with conditions shall continuously operate and maintain the development or use in compliance with all of the conditions set forth in the Statement of Conditions. Any failure to comply with a condition contained within the Statement of Conditions shall require all necessary reconstruction (to include demolition and other associated costs as wanted) of the development, at the owners expense, and/or to also be assessed against the relevant tax rolls of the concerned properties, and any and all other penalties as allowed by local, state or federal laws, and further, that the reconstruction be completed within one year of notification of the Township, in order for the development to comply with the previous zoning. Additionally, any such violation shall be deemed a nuisance per se and subject to judicial abatement as provided by law and/or enforcement by Township Civil Infraction, with the remedy chosen by the Township not to be exclusive of any other remedy of which the Township may be entitled to as stated herein or as allowed by law.
- 7. Time Period for Establishing Development or Use:** Unless another time period is specified in the Ordinance rezoning the subject land, the approved development and/or use of the land pursuant to building and other required permits must be commenced upon the land within 18 months after the rezoning took effect and thereafter proceed diligently to completion. This time limitation may upon written request be extended by the Township Board if:
- B. It is demonstrated to the Township Board's reasonable satisfaction that there is a strong likelihood that the development and/or use will commence within the period of extension and proceed diligently thereafter to completion and
 - C. The Township Board finds that there has not been a change in circumstances that would render the current zoning with Statement of Conditions incompatible with other zones and uses in the surrounding area or otherwise inconsistent with sound zoning policy.
- 8. Reversion of Zoning:** If approved development and/or use of the rezoned land do not occur within the time frame specified under Subsection 7 above, then the land shall revert to its former zoning classification as set forth in the Michigan Zoning Enabling Act (MCL125.3405). The reversion process shall be initiated by the Township Board requesting that the Planning Commission proceed with consideration of rezoning of the land to its former zoning classification. The procedure for considering and making this reversionary rezoning shall thereafter be the same as applies to all other rezoning requests.

9. **Subsequent Rezoning of Land:** When land that is rezoned with a Statement of Conditions is thereafter rezoned to a different zoning classification or to the same zoning classification but with a different or no Statement of Conditions, whether as a result of a reversion of zoning pursuant to the Subsection 8 above or otherwise, the Statement of Conditions imposed under the former zoning classification shall cease to be in effect. Upon the owner's written request, the Township Clerk shall record with the Register of Deeds of the County that the Statement of Conditions is no longer in effect.
10. **Amendment of Conditions:** During the time period for commencement of an approved development or use specified pursuant to Subsection 7 above or during any extension thereof granted by the Township Board, the Township shall not add to or alter the conditions in the Statement of Conditions.
11. **Township Right to Rezone:** Nothing in the Statement of Conditions nor in the provisions of this Section shall be deemed to prohibit the Township from rezoning all or any portion of land that is subject to a statement of Conditions to another zoning classification. Any rezoning shall be conducted in compliance with this Ordinance and the Michigan Zoning Enabling Act (MCL125.3405).
12. **Failure to Offer Conditions:** The Township shall not require an owner to offer conditions as a requirement for rezoning. The lack of an offer of conditions shall not affect an owner's rights under this Ordinance.

Section 5.07 COMPREHENSIVE REVIEW OF ZONING ORDINANCE

The Planning Commission shall, from time to time, or at intervals of not more than five (5) years, examine the provisions of this Ordinance and the location of zoning district boundary lines and shall 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.

Article 6 PROCEDURES FOR SITE PLAN REVIEW

Section 6.01 PURPOSE

It is the purpose of this Article to specify standards, data requirements, and the review process, which shall be followed in the preparation of site plans required by this Ordinance.

1. **Section 6.02 APPROVAL OF SITE PLAN Township Board Approval for Site Plans:**
Site plan approval is required by the Township Board, prior to the issuance of a Zoning Permit, for the following uses:
 - A. Planned Unit Development projects.
 - B. All single and two-family developments subject to the requirements of P.A. 288 of 1967, the Subdivision Control Act, as amended.
 - C. All condominium subdivisions subject to P.A. 59 of 1978, the Condominium Act, as amended.
 - D. One-family cluster option and open space subdivision option.
2. **Planning Commission Approval for Site Plans:** Unless required otherwise by Section 6.02 below, site plan approval is required by the Planning Commission, prior to the issuance of a Zoning Permit, for the following land uses:
 - A. All uses permitted by right within any business or industrial zoning district.
 - B. All special land uses except planned unit developments.
3. **Administrative Approval:** Unless required otherwise by Section 6.02 (1, 2) above, site plan approval may be granted by the Zoning Administrator pursuant to the issuance of a Zoning Permit for the following:
 - A. all uses permitted by right within any business or industrial zoning district provided:
 - 1) No significant site changes are proposed.
 - 2) The use is an allowable use in the proposed zoning district.
 - 3) No structural changes are proposed.
 - B. All other uses or conditions not listed in Section 6.02 (1) or (2) above. The Zoning Administrator shall review submitted plans.

Note: The Zoning Administrator shall have the option to require a complete site plan review and approval by the Planning Commission for sites which do not comply with previously approved site plans, for sites with parking deficiencies, for sites abutting residential districts and for sites with other issues.

Section 6.03 DATA REQUIRED

1. **Site Plan:** Each site plan shall be provided on a professional quality drawing of scale not less than 1"=100'. All information depicted shall be designed by a professional engineer, land surveyor, architect or landscape architect licensed in Michigan. In addition to the applicant's full name, address and phone number, the following data shall be submitted with applications for Zoning Permits for uses requiring a site plan:
 - A. A survey showing property dimensions and legal description, including angles, lot area and dimensions, and an arrow pointing north.
 - B. Project description, including the total number of structures, units, bedrooms, offices, square feet, total and usable floor area, garages, number of employees by shift, amount of recreational and open space, type of recreation facilities to be provided, and related information as pertinent or otherwise required by this Ordinance.
 - C. A plan showing the location of all buildings and structures existing and proposed on the site including building elevation drawings and including all of the following listed items.
 - D. Natural features such as woodlands, streams, flood plains, county drains, lakes or ponds, topography at two (2) foot intervals on-site and within one hundred fifty (150) feet of the site and man-made features such as existing roads and structures, with indication as to which are to be retained and which removed or altered.
 - E. Existing public right-of-way, private easements of record, and deed restrictions.
 - F. Proposed streets and alleys, (including cross-sections), acceleration, deceleration or right turn lanes, driveways, parking spaces, sidewalks, with indication of direction of travel, the inside radii of all curves including driveway curb returns. The width of streets, driveways and sidewalks, the total number of parking spaces, and dimensions of a typical individual parking space and associated aisles. Proposed traffic control measures (including signs) and proposed street or road names shall also be indicated.
 - G. A vicinity sketch showing the location of the site in relation to the surrounding street system and other land uses within three hundred (300) feet in every direction of the proposed use including land uses on the opposite side of any public thoroughfare(s).
 - H. Location of utilities, water supply and the location and design of waste water systems as well as any easements that exist or are proposed to be established for installation, repair and maintenance of utilities.
 - I. Proposed location of trash receptacles, accessory buildings and uses, and signs.
 - J. A landscaping plan indicating the locations of plant materials to be preserved and locations of proposed planting and screening, fencing, and lighting in compliance with the requirements of Article 23, Landscaping and Screening. Also, proposed locations of common open spaces, if applicable.
 - K. A storm drainage and storm water management plan for the site.
 - L. Location and specifications for any existing or proposed above or below ground storage facilities for any chemicals, salts, flammable materials, or hazardous materials as well as any containment structures or clear zones required by government authorities.
 - M. Location of exterior drains, dry wells, catch basins, retention and/or detention areas, sumps and other facilities designed to collect, store or transport storm water or waste water. The point of discharge for all drains and pipes shall also be specified on the site plan.
 - N. A statement from the applicant identifying all federal, state and local permits required, if any.

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

Section 6.04 SITE PLAN REVIEW PROCEDURES

1. Potential applicants are encouraged to submit preliminary plans and schedule a preliminary site plan review meeting with the Zoning Administrator, especially for large scale projects. The purpose of the meeting is to address any site plan issues/plan deficiencies that can be corrected prior to formal site plan review.
2. **Submittal and Distribution of Site Plans:** At least ten (10) copies of the application and site plan shall be submitted to the Zoning Administrator at least ten (10) days prior to transmittal to the Planning Commission. The Zoning Administrator shall review the application and site plans for completeness and if such application or plans are not complete according to Section 6.03(2), the plans shall be returned to the applicant with a written notice identifying the inadequacies of the plans. Upon receipt of an adequately completed application and plans, the Zoning Administrator shall record the date of their receipt and transmit seven (7) copies thereof to the Planning Commission; one (1) copy to the Fire Department when necessary, one (1) copy to the Township Clerk, and the remaining shall be retained by the Zoning Administrator.
3. **Staff Review:** The Zoning Administrator may request a professional review to be completed by professional planners, engineers, and/or architects, as needed.
4. **Review:** The Planning Commission shall review the application, plans, and any staff review to determine their conformity with the applicable provisions of this Ordinance and the provisions of Section 6.05. The Planning Commission may, at its discretion, delay deliberating upon a site plan at its next regularly scheduled or special meeting unless the site plan and all supporting documents, including a zoning permit application form, have been received by the Planning Commission at least seven (7) business days prior to such meeting.
5. **Planning Commission and Township Board Review and Action:** After conducting a review, the Planning Commission shall reject, approve, or conditionally approve the site plan as it pertains to requirements and standards contained in the Zoning Ordinance, except that the Planning Commission will only make recommendations for rejection, approval, or conditional approval of a site plan for a site plan requiring Township Board approval pursuant to Section 6.02(2)(A-C) and forward its recommendation to the Township Board for final action. Any conditions required by the Planning Commission or Township Board for approval shall be stated in writing, together with the reasons, and delivered to the applicant. Decisions and recommendations by the Planning Commission shall be made within sixty (60) days of the receipt of the completed application unless, in the opinion of the Planning Commission, an extension of time is necessary to adequately collect and review information pertinent to a decision or recommendation.
6. A Site Plan shall be approved by the Planning Commission or Township Board 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. **Approved Site Plans:** Three (3) copies of the approved Site Plan, with any conditions contained within shall be maintained as part of the Township records for future review and enforcement. One (1) copy shall be returned to the applicant. Each copy shall be signed and dated with the date of approval by the Chairperson of the Planning Commission, or by the Township Supervisor in the case of a use listed in Section 6.02(2)(A-C), for identification of the approved plans. If any variances from the Zoning Ordinance have been obtained from the Zoning Board of Appeals, the minutes concerning the variances, duly signed, shall also be filed with the Township records as a part of the site plan and delivered to the applicant for information and direction.

Section 6.05 SITE PLAN APPROVAL STANDARDS

Each site plan shall conform with the applicable provisions of this Ordinance and the standards listed below, in addition to any condition imposed by the Planning Commission pursuant to Section 18:15.

- A. All elements of the Site Plan shall be harmoniously and efficiently organized in relation to topography, the size and type of lot, the character of adjoining property and the type and size of buildings. The site shall be so developed as not to impede the normal and orderly development or improvement of surrounding property for uses permitted in this Ordinance.
- B. The landscape shall be preserved in its natural state, insofar as practical, by minimizing tree, other vegetative material, and soil removal, and by topographic modifications, which result in maximum harmony with adjacent areas. Landscape elements shall minimize negative impacts and allow for the appropriate blending of the site plan with the surrounding community and, in the case of parking lots, provide directional guidance to drivers. Landscaping, buffering, and screening shall conform with the requirements of Article 23, Landscaping and Screening.
- C. Storm water drainage shall comply with standards established by Iosco County, the Michigan Department of Transportation or Au Sable Township, as applicable. Special attention shall be given to proper site drainage so that removal of storm waters will not increase off site sedimentation or otherwise adversely affect neighboring properties.
- D. The site plan shall provide reasonable, visual, and sound privacy for all dwelling units located therein. Special attention shall be given to insure the peaceful surroundings of any nearby dwellings or other types of communities, so as to lend continuity, and that adequate, natural light, that may be currently enjoyed, be continued to be enjoyed by the surrounding structures. Fences, walks, barriers, and landscaping shall be used, as appropriate, for the protection and enhancement of property and for the privacy of its occupants.
- E. All buildings or groups of buildings shall be so arranged as to permit emergency vehicle access by some practical means to all sides.
- F. Every structure or dwelling unit shall have access to a public street, walkway, or other area dedicated to common use.
- G. There shall be provided a pedestrian circulation system, which is insulated as completely as reasonably possible from the vehicular circulation system.
- H. Exterior lighting shall be designed and arranged so that it is deflected away from adjacent streets and adjoining properties. Flashing or intermittent lights shall not be permitted.
- I. The arrangement of public or common ways for vehicular and pedestrian circulation shall respect the pattern of existing or planned streets and pedestrian or bicycle pathways in the area. Streets and drives, which are part of an existing or planned street pattern, which serve adjacent development shall be of a width appropriate to the traffic volume they will carry and shall have a dedicated right-of-way according to the standards of the County Road Commission.
- J. All roads dedicated to public use shall be developed in accordance with County Road Commission specifications.
- K. All parking areas shall be so designed to facilitate efficient and safe vehicular and pedestrian circulation, minimize congestion at access and egress points to intersecting roads, including the use of service drives as appropriate, and minimize the negative visual impact of such parking areas.
- L. Residential and nonresidential development shall not include unnecessary curb cuts, and commercial service drives shall be used where the opportunity exists.
- M. The site plan shall provide for the appropriate location of all necessary and proposed utilities. Locational requirements shall include underground facilities to the greatest extent feasible.

- N. Site plans shall conform to all applicable requirements of state and federal statutes and approval may be conditioned on the applicant receiving necessary state and federal permits before the final site plan approval is granted.
- O. The applicant shall demonstrate that reasonable precautions will be made to prevent hazardous materials from entering the environment including:
 1. Sites at which hazardous substances are stored, used or generated shall be designed to prevent spills and discharges to the air, surface of the ground, ground water, lakes, streams, rivers, or wetlands.
 2. Secondary containment for above ground areas where hazardous substances are stored or used shall be provided. Secondary containment shall be sufficient to store the substances for the maximum anticipated period of time necessary for the recovery of any released substances.
 3. General purpose floor drains shall only be allowed if they are approved by the responsible agency for connection to a public sewer system, an on-site closed holding tank (not a septic system), or regulated through a State of Michigan Ground Water Discharge Permit.
 4. State and federal agency requirements for storage, spill prevention, record keeping, emergency response, transport and disposal of hazardous substances shall be met. No discharges to ground water, including direct and indirect discharges, shall be allowed without required permits and approvals.

Section 6.06 PRELIMINARY SITE PLAN REVIEW OPTION

Developments requiring site plan review which exceed ten (10) acres in size, or which will be developed in phases, may seek approval of a preliminary site plan, the purpose of which is to indicate the general design and layout of the project.

- A. **Preliminary Review Application:** Applications for preliminary site plan approval shall be submitted to the Zoning Administrator on a form for that purpose and shall consist of the following:
 1. Ten (10) copies of a completed application form supplied by the Zoning Administrator.
 2. Ten (10) copies of the preliminary site plan at a scale of not less than one (1) inch equals one hundred (100) feet with the following minimum information:
 - a. Property dimensions and topographic elevations at two (2) feet intervals.
 - b. Significant vegetation.
 - c. Watercourses and water bodies, including man-made surface drainage ways.
 - d. Existing public right of way, pavements, and/or private easements.
 - e. Existing and proposed uses, buildings, structures, and lots.
 - f. Zoning classification of abutting properties.
 - g. The name and address of the person and firm who prepared the plan and the date on which the plan was prepared.
 - h. The Planning Commission may require written statements relative to the effects on the existing traffic capacity of streets, and the proposed development's impact on schools, existing utilities, the environment or natural resources.
- B. **Planning Commission and Township Board Review and Action:** After conducting a review, the Planning Commission shall reject, approve, or conditionally approve the preliminary site plan as it pertains to requirements and standards contained in the Zoning Ordinance, except that the

Planning Commission will only make recommendations for rejection, approval, or conditional approval of a preliminary site plan for a use requiring site plan approval by the Township Board approval pursuant to Section 6.02(2)(A-C) and forward its recommendation to the Township Board for final action on the preliminary site plan. Any conditions required by the Planning Commission or Township Board for preliminary plan approval shall be stated in writing, together with the reasons, and delivered to the applicant. If denied, the Planning Commission or Township Board shall cite reasons for denial. If approved, the applicant may submit a final site plan for the development or a phase of the development. Decisions and recommendations by the Planning Commission shall be made within sixty (60) days of the receipt of the completed application unless, in the opinion of the Planning Commission, an extension of time is necessary to adequately collect and review information pertinent to a decision or recommendation.

1. Approval of the preliminary site plan is valid for a period of six (6) months. If a final site plan for the development, or any phase of the development, has not been submitted during that period, the approval of the preliminary site plan shall be null and void. This time limit may not be extended by the Planning Commission. Preliminary site plans whose approval has expired shall be required to resubmit and be processed for approval according to this Section.

Section 6.07 CONFORMITY TO APPROVED SITE PLANS

Property which is the subject of site plan approval must be developed in strict compliance with the approved site plan and any amendments thereto, which have received approval from the body, which had approved the original site plan. If construction and development does not conform with such approved plans, the approval and any Township permit shall be revoked by the Zoning Administrator pursuant to Section 3.05. Upon revocation of such approval, all construction activities shall immediately cease upon the site, other than for the purpose of correcting the violation.

Section 6.08 CHANGES AND APPEALS

1. **Amendment to the Site Plan:** No changes shall be made to an approved Site Plan prior to or during construction except upon mutual agreement between the applicant and the Township or Zoning Administrator according to the following procedures:
 - A. **Minor Changes:** Minor changes to an approved Site Plan involving changes of less than five (5) feet in the location of walkways, vehicular circulation ways and parking areas, or exterior building and structure walls; adjustment of utilities; and similar minor changes may be approved by the Zoning Administrator unless the Zoning Administrator defers judgment to the Planning Commission.
 - B. **Major Changes:** Major changes or amendments to an approved Site Plan involving changes in excess of five (5) feet in the location of walkways, vehicular circulation ways and parking areas, or exterior building and structure walls; the number and location of accesses to public streets and alleys; a reduction in the number of parking spaces; an increase in the gross floor area or heights of buildings; a reduction in the open space; and similar major changes, shall require the approval of the Planning Commission, or the Township Board in the case of a planned unit development project, in the same manner as the original application was submitted, reviewed, and approved and subject to the finding of all of the following:
 1. Such changes will not adversely affect the initial basis for granting approval;
 2. Such changes will not adversely affect the overall project in light of the intent and purpose of such development as set forth in this Article; and
 3. Such changes shall not result in the reduction of open space area as required herein.
2. **Appeals:** With regard to Site Plan approval decisions, an appeal may be taken to the Zoning Board of Appeals in the manner, as other administration decisions provided appeals of decisions for Planned Unit Development projects shall not be permitted.

Section 6.09 REVIEW FEES

A review fee may be required as determined by resolution of the Township Board based on the cost of processing the review. (see Appendix A)

Article 7

PROCEDURES FOR SPECIAL LAND USES

Section 7.01 PURPOSE AND INTENT

1. **Special Land Uses:** It is the intent of this Ordinance 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 investor or developer, but that will, at the same time, promote the intent and purpose of this Zoning Ordinance, and insure 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 permits detailed review of certain specified types of special land use activities, which because of their particular and unique characteristics require special consideration in relation to the welfare of adjacent properties and to the community as a whole. Special land uses are identified as such within the respective zoning district Articles of this Ordinance, and shall in no way be interpreted or acted upon as a request for a variance from the strict application of this Ordinance's requirements. Land uses and structures possessing these characteristics may be authorized within certain zoning districts by the issuance of a Zoning Permit for a Special Land Use. By such a procedure, the Planning Commission and Township Board shall have the opportunity to impose conditions upon each use, which are deemed necessary for the protection of the public welfare. Such conditions shall be based on standards in this Ordinance.

2. **Planned Unit Developments:** It is also the intent of this Article to establish procedures, which offer an alternative to traditional residential and commercial development patterns through the use of planned unit development legislation, as authorized by Act 110 of 2006, The Michigan Zoning Enabling Act for the purpose of:
 - A. Encouraging the use of Township land in accordance with its character and adaptability;
 - B. Assuring the permanent preservation of open space, woodlands, and other natural resources;
 - C. Allowing innovation and greater flexibility in the design of developments;
 - D. Facilitating the construction and maintenance of streets, utilities, and public services in a more economical and efficient manner;
 - E. Ensuring compatibility of design and use between neighboring properties; and,
 - F. Encouraging a less sprawling form of development, thus preserving open space as undeveloped land.

Approval standards for special land uses are included in Article 16, Standards for Special Land Uses, except that approval standards for planned unit developments are included in Article 17, Standards for Planned Unit Developments.

Section 7.02 PROCEDURES FOR SPECIAL LAND USES

A application for a Zoning Permit for any special land use or structure identified as such in a particular zoning district shall be submitted and processed under the following procedures pursuant to Public Act 110 of 2006 (502(1)).

- A. **Submission of Application:** Any person owning or having an ownership interest in the subject property may file an application for one (1) or more Zoning Permits for a special land use as provided for in this Ordinance. An application shall be submitted through the Zoning Administrator on a special form for that purpose. Each application shall be accompanied by the payment of a fee as established by the Township Board to cover costs of processing the application. (see Appendix A) Twenty-four (24) sets of the following materials, constituting the special land use application, shall be submitted to the Zoning Administrator at least thirty (30) days prior to the meeting at which the Planning Commission first considers the special land use application:

1. Special application form supplied by the Zoning Administrator.
 2. Site plan meeting the requirements of Section 6.03.
 3. Written statement of analysis regarding the estimated population holding capacity of any proposed residential land use, the anticipated impact upon community facilities, such as schools and infrastructure, the anticipated new traffic generation including available roadway capacities and impact upon neighboring land uses and streets.
- B. Check for Completeness and Accuracy:** Within ten (10) working days of the receipt of the submission of an application the Zoning Administrator shall determine whether it is in proper form and contains all required information for the Planning Commission to determine the degree of compliance with all applicable provisions of Article 16, Standards for Special Land Uses, or in the case of a planned unit development, Article 17, Standards for Planned Unit Developments.
- C. Forwarding of Application to Planning Commission:** Upon certification by the Zoning Administrator that the site plan and application form appear to be complete, seven (7) copies of the site plan shall be forwarded to the Planning Commission and, where Township Board approval is required, seven (7) copies forwarded to the Township Board. The Township Zoning Administrator may also submit one (1) copy of the site plan to each of the following agencies considered to be impacted or affected by the application for a Special Land Use.
1. County Road Commission.
 2. County Health Department.
 3. County Drain Commissioner.
 4. Fire Department providing service to that part of the Township.
 5. Other agencies as relevant.
 6. Consultants retained by the Township for review of elements of the site plan.
- D. Planning Commission Action:**
1. **Application Review and Public Hearing:**
 - a. The Planning Commission shall review the site plan and special land use application at its next scheduled meeting following receipt from the Township Zoning Administrator. The Planning Commission may, at its discretion, delay deliberating upon a site plan at its next regularly scheduled or special meeting if it has not received the site plan and zoning permit application from the Zoning Administrator at least seven (7) business days prior to such meeting. After adequate study and review, incorporating information provided by reviewing agencies listed above in Section 7.02(C), the Planning Commission shall provide a notice of public hearing in accord with the requirements of Act 110 of 2006. (See Section 3.02)
 2. **Planning Commission Decision or Recommendation:** The Planning Commission shall deny, approve, or approve with conditions the application for special land use approval upon review of the special land use application, and a review of all supporting materials and any comments received at the public hearing, except in the case of a special land use application for a planned unit development (see (a) below). A written statement of findings and conclusions relative to the special land use, which specifies the basis for the decision and conditions imposed is required with any land use decision pursuant to Public Act 100 of 2006 (Section 502(4)) and (MCL 125.3502 (4)). In arriving at its decision, the Planning Commission shall refer to and be guided by those standards set forth in Articles 16, Standards for Special Land Uses. A request for approval of a special land use or activity, which is in compliance with those standards, other applicable ordinances, and state and federal statutes, shall be approved. The Planning Commission may require that a performance guarantee, in accordance with Section 3.08 of this Ordinance, be deposited with the Township to insure completion of improvements.

- a. Upon review of a special land use application for a planned unit development, and a review of all supporting materials and any comments received at the public hearing, the Planning Commission shall recommend approval, denial, or approval with conditions regarding the planned unit development and site plan, and forward its recommendation to the Township Board for its consideration and final action. The Planning Commission shall state the reasons for the recommendation reached. The Planning Commission may recommend to the Township Board that a performance guarantee, in accordance with Section 3.08 of this Ordinance, be deposited with the Township to insure completion of improvements. The Planning Commission's recommendation shall be incorporated in a statement of conclusions relative to the special land use under consideration, and shall specify the basis for the recommendation and any conditions recommended. In arriving at its recommendation, the Planning Commission shall refer to and be guided by those standards set forth in Articles 16, Standards for Special Land Uses, and Article 17, Standards for Planned Unit Developments.

E. Township Board Action on Planned Unit Developments: Following receipt of the Planning Commission's recommendation pertaining to the planned unit development request, the Township Board may hold a public hearing on the request pursuant to notification procedures of this ordinance. Upon review of the special land use application, all supporting materials, the hearing, and the recommendations of the Planning Commission, the Township Board shall, within sixty (60) days of the public hearing, approve, approve with conditions, or deny the planned unit development request unless the applicant and the Board agree to an extension of time, which shall be specified in the minutes. The Board shall prepare a report stating its conclusions regarding the request, the basis for its decision and any conditions relating to an affirmative decision. In arriving at its decision, the Township Board shall refer to and be guided by those standards set forth in Articles 16, Standards for Special Land Uses, and Article 17, Standards for Planned Unit Developments. The Township Board may require that a performance guarantee, in accordance with Section 3.08 of this Ordinance, be deposited with the Township to insure completion of improvements.

- a. **Recording of Approval Action:** 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 planned unit development plan in a format acceptable to the Iosco County Register of Deeds, unless an amendment is adopted 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.
- b. **Permit Issuance:** Upon receipt of the recorded documents, the Township Clerk shall direct the Zoning Administrator to issue a Zoning Permit for the planned unit development.

Section 7.03 APPEAL TO CIRCUIT COURT

An appeal on a special land use application decision may be taken to the Circuit Court.

Section 7.04 REAPPLICATION

No application for a Zoning Permit for a special land use, which has been denied wholly or in part by the Planning Commission or Township Board shall be resubmitted until the expiration of one (1) year or more from the date of such denial, except on the grounds of newly-discovered evidence or proof of changed conditions. A reapplication shall require a new fee and the process will follow all provisions of Section 7.02.

Section 7.05 AMENDMENTS

1. **Site Plan:** The site plan, as approved, shall become part of the record of approval, and subsequent actions shall be consistent with the approved the site plan. Amendments to the approved Site Plan shall comply with the application and review procedures of Section 6.08.
2. **Use or Activity:** A change in the character of the use or activity from what the originally approved Zoning Permit for special land use authorized shall not occur until such change is applied for and approved according to the application and review procedures of this Article and all other applicable sections of this Ordinance. Changes requiring a new application and review procedure include, but shall not be limited to:
 - a. The addition of land to the legal description of the original special land use permit;
 - b. The establishment of another use or uses;
 - c. The addition of more sales or service area, or the addition of dwelling units; and
 - d. An expansion or increase in intensity of use.

Article 8

OWNERSHIP CONVERSION OF MOTELS, CABINS AND COTTAGES TO CONDOMINIUMS

Section 8.01 INTENT

It is the intent of this Article in the namesake of the public health, welfare and safety, to regulate structures being converted from what were formerly motel rooms, cabins or cottages, rented either on a daily, weekly, monthly or seasonal basis, to forms of ownership represented by a condominium project, on a co-op basis or by incorporating in having the ownership of any former motel room, cabin, or cottage, or other daily, weekly, monthly or seasonal rental, being represented by one (1) or more shares of stock. Before the conversion can be in compliance with this ordinance, such a conversion must comply with all rules and regulation concerning condominium projects as provided for within this Article.

Section 8.02 SITE PLAN

Prior to the conversion of any existing development to the condominium form of ownership a site plan shall be submitted and approved by the Township Planning Commission in accordance with all standards and requirements of this Ordinance.

Section 8.03 INITIAL INFORMATION

Concurrently with notice required to be given, the Township of AuSable, pursuant to Section 71 of the Condominium Act, Act 59 of the Public Acts of 1978, as amended, a person, firm or corporation intending to convert existing development into the condominium form of ownership shall provide the Township Zoning Administrator with the following information:

- A. The name, address and telephone number of:
 1. All persons, firms or corporations with an ownership interest in the land on which the condominium project will be located and a description of the nature of each entity's interest. (For example, fee ownership, optionee, or land contract vendee).
 2. All engineers, attorneys, architects, landscape architects, or registered land surveyors associated with the condominium conversion.
 3. The developer or proprietor of the condominium conversion.
- B. The legal description of the land on which the condominium conversion will be submitted together with any proposed expansion plans and appropriate tax identification numbers.
- C. The acreage of the land on which the condominium conversion currently occupies.
- D. Proposed project land uses (for example, private use residential, commercial, time sharing, industrial, etc.) and the number of units, parcels or acres of each type of land use being proposed.
- E. Approximate number of condominium units to be developed on the subject parcel.
- F. Description of the water supply systems that includes a diagram of the service connections to each unit.
- G. Description of sanitary waste disposal system that includes a diagram of the service connections to each unit.

Section 8.04 TOWNSHIP EXPENSES

The applicant shall be responsible for reimbursement to the Charter Township of AuSable for all expenses, including but not limited to attorney fees, engineering fees, and surveying costs, before any authority is given and regardless if the project proceeds. (see Appendix A Escrow Policy) If these expenses are not reimbursed to the Township, the Township, at its option, may apply same to the tax roll of the concerned property, and/or lien said property, or proceed with the citing of a violation of this ordinance as the law allows in Circuit Court, or proceed by way of civil infraction as more fully described in Section 8.10 herein.

Section 8.05 CERTIFICATE OF SAFE OCCUPANCY

Transient use buildings, such as motels, hotels and resort cottages that are being converted to condominium form of ownership will require that a Certificate of Occupancy be issued by the Building Department serving the Charter Township of AuSable, and it shall be paid for their service and payment shall be received prior to the Planning Commission holding a meeting on this change of use request.

Section 8.06 SITE PLAN REQUIREMENTS FOR CONDOMINIUM CONVERSION

1. All condominium conversions shall submit a site plan and have same approved by the Township Planning Commission in accordance with all standards and requirements of this Ordinance as well as any other requirements of any other Township Ordinance and/or state of federal law.
2. A condominium conversion constitutes a change in ownership. Prior to recording the Master Deed required in compliance with relevant local, state and federal laws the condominium conversion shall undergo site plan review and approval pursuant to the AuSable Township Zoning Ordinance, Article 6, Site Plan Review Procedures. In addition, the Township shall require appropriate safe occupancy inspections, including the issuance of any occupancy permit, and corrective engineering plans prior to the issuance of any zoning land use permit. All plans shall bear an appropriate seal of a duly licensed engineer.
3. Lot, Building and Yard Requirements:
 - A. The square foot of the lot area needed for each residential unit of said condominium conversion, shall be calculated as follows:

<u>Number of Units</u>	<u>Minimum Square Feet of Lot Area</u>
1-2	12,000
3-40	4,000 additional per unit
41 or greater	3,000 additional per unit

(*For example, if 40 condominium units were request to be built, the township would require 4,000 square feet, multiplied by 38, plus 12,000 square feet, for a total of 164,000 square feet. Paragraph 3 would be similarly computed relative to the minimum square feet of lot area).

- B. Each residential unit shall contain a minimum of seven hundred fifty (750) square feet of livable floor area.
- C. Site coverage for all structures, including all principal use and accessory buildings shall not exceed thirty-five (35) percent.
- D. All condominium conversions shall be subject to the requirements that are established by the Township Planning Commission during site plan review procedures.
- E. Each unit shall have operable egress windows, a fire alarm system, and other fire and emergency systems, required by the fire department and building department servicing the Charter Township of AuSable.

Section 8.07 PARKING AND RECREATIONAL VEHICLE STORAGE REQUIREMENTS

1. Transient use buildings, such as motels, hotels and resort cottages that are being converted to condominium form of ownership will most likely require more parking area as compared to the often single vehicle arriving for the short stay transient use. Without hindering sufficient emergency vehicle

ingress/egress routes, condominium conversion properties shall be require to provide for vehicle parking and recreational vehicle storage as follows:

2. Two (2) spaces for each residential unit, plus one (1) visitor parking space for every three (3) residential units. Spaces shall be at least ten (10) feet wide, and twenty (20) feet long. Turning radiuses shall be reasonable enough to allow for vehicles to back out of, and pull into said parking spaces. Further, all handicapped parking spaces allowed by law, shall also be provided.
3. When deeded restrictive covenants do not prohibit recreational vehicles from entering the property, four hundred (400) square feet of recreational vehicle storage parking will be required for each residential unit.

Section 8.08 MASTER DEED, RESTRICTIVE COVENANTS AND “AS BUILT” SURVEY TO BE FURNISHED

The condominium developer or proprietor shall furnish the Zoning Administrator with the following:

- A. One (1) copy of the recorded Master Deed, By-laws and/or any deed restrictions.
- B. Two (2) copies of an “as built” survey. The “as built” survey shall be reviewed by the Zoning Administrator for compliance with Township Ordinances. Fees for review and hearing processes shall be estimated by resolution of the Township Board.
- C. Any provision of any other Ordinance that conflict with the provisions of this Ordinance, shall result in the provisions of this Ordinance prevailing. Any previous Ordinances, and their provisions, not amended as a result of the provisions set forth herein, shall remain in full force and effect

Article 9

ZONING DISTRICTS AND MAP

Section 9.01 ESTABLISHMENT OF DISTRICTS

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

- R-NR: Residential – Natural Resource
- R-1: Residential – Resource Sensitive
- R-2: Medium Density Residential District
- R-3: High Density Residential District
- R-4: Tourist Residential District
- R-5: Multiple Family Residential District
- R-6: Mobile Home Park District
- C-1: Central Business District
- C-2: General Business District
- C-3: Waterfront Mixed-Use District
- I-1: Industrial District

Section 9.02 ZONING DISTRICT MAP

The boundaries of the respective districts enumerated in Section 9.01 are defined and established as depicted on the Official Zoning Map entitled **THE CHARTER TOWNSHIP OF AUSABLE 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.

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 Township Zoning Ordinance adopted on the 3rd day of January 2005. If, in accordance with the provisions of this Ordinance, changes are made in district boundaries or other matter portrayed on the Official Zoning Map, such changes shall be made on the Official Zoning Map after the amendment has been approved by the Township Board together with an entry on the Official Zoning Map as follows: On the following date(s) and by official action of the Township Board, the following change(s) were made: (date of change(s) and brief description of change(s)).

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

Section 9.03 REPLACEMENT OF OFFICIAL ZONING MAP

In the event that the Official Zoning Map becomes damaged, destroyed, lost or difficult to interpret because of the nature or number of changes made thereto, the Township Board may, by Ordinance, adopt a new Official Zoning Map, which shall supersede the prior Official Zoning Map. The new Official Zoning Map shall be identified by the signature of the Township Supervisor, attested by the Township Clerk and bear the seal of the Township under the following words: This is to certify that this is the Official Zoning Map referred to in the Zoning Ordinance of the Township adopted on April 21, 2014 which replaces and supersedes the Official Zoning Map which was adopted on January 20, 2009. Unless the prior Official Zoning Map has been lost, or has been totally destroyed, the prior map or any significant parts thereof remaining, shall be preserved together with all available records pertaining to its adoption or amendment.

Section 9.04 INTERPRETATION OF DISTRICT BOUNDARIES

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

- A. Boundaries indicated, as approximately following the streets or highway, the centerlines of said streets or highways shall be construed to be such boundaries.
- B. Boundaries indicated, as approximately following lot lines shall be construed as following such lot lines.
- C. Boundaries indicated, as approximately following Township boundary lines shall be construed as following such Township boundary lines.
- D. Boundaries indicated, as approximately following railroad lines shall be construed to be midway between the main tracks.
- E. 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.
- F. Boundaries following the shoreline of a stream, lake, or other body of water shall be construed to follow such shorelines, and in the event of change in the shorelines shall be construed as moving with the actual shorelines; boundaries indicated as approximately following the thread of streams, canals, or other bodies of water shall be construed to follow such threads.
- G. Where the application of the aforesaid rules leaves a reasonable doubt as to the boundaries between two (2) districts, the regulations of the more restrictive district shall govern the entire parcel in question, unless otherwise determined by the Zoning Board of Appeals after recommendation from the Planning Commission.

Section 9.05 SCOPE OF REGULATION

- 1. Except as may otherwise be provided in this Ordinance, every building and structure erected, every use of any lot, building, or structure established, every structural alteration or relocation of an existing building or structure occurring, and every enlargement of, or addition to an existing use, building and structure occurring after the effective date of this Ordinance shall be subject to all regulations of this Ordinance, which are applicable in the Zoning District in which such use, building, or structure shall be located.
- 2. Any use of land not specifically permitted is prohibited, except that the Zoning Board of Appeals shall have the power to classify a use which is not specifically mentioned along with a comparable permitted or prohibited use for the purpose of clarifying the use regulations in any district, if so petitioned and in accord with the requirements of Sections 4. If the Zoning Board of Appeals finds no comparable uses based on an examination of the characteristics of the proposed use, it shall so state and the Planning Commission may be petitioned to initiate an amendment to the text of the Ordinance to establish the appropriate district(s), type of use (by right or special use), and criteria that will apply for that use. Once the Ordinance has been amended to include the new regulations, then an application can be processed to establish that use.
- 3. No part of a setback area, or other open space, or off-street parking or loading 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, open space, or off-street parking or loading space similarly required for any other use, building or structure.
- 4. 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.
- 5. No portion of one (1) 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 with all of the requirements established herein.

6. Accessory uses are permitted as indicated for the various Zoning Districts and if such uses are clearly incidental to the permitted principal uses. (See also Section 18.08).

Section 9.06 ZONING OF VACATED AREAS

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

Section 9.07 ZONING OF FILLED LANDS: USE OF WATER

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

Section 9.08 CATEGORIES WITHIN ZONING DISTRICTS

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

- A. **Uses Permitted By Right:** The primary uses and structures specified for which the zoning district has been established.
- B. **Special Land Uses Permitted By Special Use Approval:** Uses and structures which have been generally accepted as reasonably compatible with the primary uses and structures within the zoning district, but could present potential injurious effects upon the primary uses and structures within the zoning district and therefore require special consideration in relation to the welfare of adjacent properties and to the community as a whole, and regulation so they do not interfere with surrounding property. All such proposed uses shall be subject to a public hearing following review by the Planning Commission. Refer to Section 3.02.

Section 9.09 CONFLICTING REGULATIONS

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

Section 9.10 SCHEDULE OF REGULATIONS

The requirements in the following table entitled "Schedule of Regulations" apply to all principal land uses and buildings permitted by right within each zoning district, except as otherwise specified in the schedules or established in this Ordinance. In the event of any conflict between the provisions of the written text and the content of the schedule, the provisions of the text shall apply. Owners of nonconforming lots of record should refer to Article 19.02 as well. Variances may be granted by the Zoning Board of Appeals only upon a showing of practical difficulty or unnecessary hardship, related to a unique characteristic of the land and not to self-created hardships of the owner. See Section 4.04(A-B).

Schedule of Regulations for Uses Permitted by Right

See following page for explanation of footnotes.

Zoning District	Minimum Lot Area	Minimum Lot Width & Frontage (In feet)	Maximum Building Height		Minimum Yard Setback in Feet				Minimum Floor Area per Dwelling Unit (In square feet)	Maximum Lot Coverage (%)
			Stories	Feet	Front Yard	One Side Yard	Total of Side Yards	Rear Yard		
R-NR: Residential – Natural Resource	10 acres	330	2	30	50 ^g	20	40	35	1,050	10%
R-1: Low Density Residential	20,000 sq. ft.	100	2	30	35 ^g	10	20	40	1,250	35%
R-2: Medium Density Residential	9,600 sq. ft.	80	2	30	25 ^g	5	15	35	1,050	35%
R-3: High Density Residential	6,000 sq. ft.	50	2	30	25 ^g	3	12	35	750	35%
R-4: Residential - Resort	7,200 sq. ft.	50	2	30	25 ^{g, h}	3	12	35	750	35%
R-5: Multiple Family Residential	20,000 sq. ft.	80	2	30	25	10 ^e	20 ^e	30	See footnote "6"	35%
R-6: Mobile Home Park	10 acres	330 feet	See Section 11.06							
C-1: Central Business	No Requirement	No Requirement	3	40	0	5 ^c	12 ^b	20	Not Applicable	No Requirement
C-2: General Business	No Requirement	No Requirement	2	30	25 ^h	5 ^c	5 ^b	10	Not Applicable	No Requirement
C-3: Waterfront Mixed-Use	No Requirement	No Requirement	3	40	25 ^h	5 ^c	10 ^b	20	Not Applicable	No Requirement
I: Industrial	No Requirement	No Requirement	4	40	30	20 ^c	40 ^c	40	Not Applicable	No Requirement

FOOTNOTES

For Schedule of Regulations

- a. This schedule summarizes basic site development standards. The specific district regulations and other regulations should be consulted to identify additional standards and regulations, and clarifications of the above standards, and all other applicable site development provisions. Where this Schedule contradicts the text of the Ordinance, the Ordinance text shall rule. See Article 17 for site development standards regarding planned unit developments.
- b. There is no side yard setback requirement along an interior lot line. A side yard abutting a residential district shall be a minimum of ten (10) feet.
- c. A forty (40) foot side yard setback shall be required on the street side of a corner lot or where the side yard abuts a residential district.
- d. Ten thousand (10,000) square feet for two-family dwellings.
- e. Multiple family dwellings shall be set back an additional one (1) foot for every ten (10) feet the multiple family dwelling exceeds an overall length of forty (40) feet, as measured along the side yard.
- f. Minimum floor area per dwelling unit:
 - A. Two family dwellings: Seven hundred fifty (750) square feet.
 - B. Multiple family dwellings:
 - 1. One bedroom unit: Four hundred fifty (450) square feet.
 - 2. Two-bedroom unit: Five hundred fifty (550) square feet.
 - 3. Three or more bedroom units: Six hundred fifty (650) square feet.
- g. Where a lot abuts a water body other than a man-made canal, the lot shall be treated as a through lot and shall comply with the required front yard setback on both the road and waterfront sides of the lot.
- h. Twenty-five (25) feet for new structures. On U.S. 23 where the highway right-of-way is two hundred (200) feet or more in width, the setback for a structure to replace an existing structure shall be the established set back of the existing structure, provided the structure is not expanded or enlarged in any way, except in the case where the paved edge of U.S. 23 may be widened to within twenty-five (25) feet of such existing structure, in which case any structure erected to replace or expand such existing structure shall comply with the twenty-five (25) foot setback requirement.
- i.
- j. See Article 10 for cluster option.

Article 10

ONE-FAMILY CLUSTER AND OPEN SPACE SUBDIVISION OPTIONS

Section 10.01 ONE-FAMILY CLUSTER OPTION

The intent of this section is to permit the development of one-family residential patterns, which through design innovation will provide for an alternative means for development of single-family areas. To accomplish this, modifications to the one-family residential standards, as outlined in Section 9.10 Schedule of Regulations may be permitted in the RN-R, R-1, R-2, R-3 and R-4 districts. Applications for development under Article 10 are subject to the Township Fees and Escrow Policies as they may apply. (see Appendix A)

A. **Density Standards:** In RN-R, R-1, R-2, R-3 and R-4 residential districts, the requirements of the schedule of regulations may be waived and the attaching of one-family dwelling units may be permitted subject to the standards of this article.

B. Conditions and Qualifications:

1. The Planning Commission may approve the clustering or attaching of buildings on parcels of land under single ownership and control, which in the opinion of the Planning Commission, have characteristics that would make sound physical development under the normal subdivision approach impractical because of parcel size, shape or dimension or because it is located in a transitional use area or the site has natural characteristics, which are worth preserving or which make platting difficult. In approving an area for cluster development, the Planning Commission shall find at least one (1) of the following conditions to exist:
 - a. The parcel contains floodplain or wetland soil conditions that result in a substantial portion of the total area of the parcel being unbuildable.
 - b. The parcel contains natural assets that would be preserved through the use of cluster development. Such assets may include natural stands of large trees, land that serves as a natural habitat for wildlife, unique topographic features or other natural assets that should be preserved.
 - c. The parcel has water frontage, which would be preserved and enhanced by the clustering of housing units.
 - d. The parcel is shaped in such a way that the angles formed by its boundaries make a subdivision difficult to achieve.
 - e. The parcel has a substantial portion of the parcels perimeter bordered by land that is located in an R-5, R-6, C-1, C-2, C-3 or I district.
2. In order to qualify a parcel for development for cluster housing, the Planning Commission shall determine that the parcel has characteristics as stated in (B) above and the request shall be supported by written and/or graphic documentation, prepared by a landscape architect, engineer, professional community planner, architect, or environmental design professional. Such documentation shall include the following as appropriate: soil test borings, floodplain map, topographic map of maximum two (2) foot contour level, inventory of natural assets, including plant material.

C. Permitted Densities:

1. Dwelling unit densities shall not utilize storm water detention basins or more than twenty-five (25) percent of any wetland in computing the maximum permitted densities. The maximum permitted densities are as follows:
 - a. For those areas qualifying under subsections the following shall apply:

R-1 District - 5 dwelling units/acre
R-2 District - 4 dwelling units/acre

R-3 District - 7 dwelling units/acre
R-4 District - 7 dwelling units/acre

2. Water bodies within the parcel, not to include streams or the waters of Lake Huron, may be included in the computation of density provided that land adjacent to the water is substantially developed as open space.

D. Development Standards and Requirements:

1. In areas meeting the criteria of this section, the minimum yard setback and minimum lot sizes per unit as required in Section 9.10 may be waived and the attaching of dwelling units may be accomplished subject to the following:
 - a. The attaching of one-family dwelling units, one (1) to another, may be permitted when the homes are attached by means of one (1) of the following:
 1. Through a common party wall forming interior room space, which does not have over seventy-five (75) percent of its length in common with an abutting dwelling wall, excluding garage;
 2. By means of architectural wall detail that does not form interior room space;
 3. Through abutting garage party walls of adjacent structures;
 - b. The number of units attached in the manner described in Section a shall not exceed four (4).
2. Yard requirements shall be provided as follows:
 - a. Spacing between groups of attached buildings or between each group of four (4) unattached buildings shall be equal to at least thirty (30) feet measured between the nearest points of adjacent buildings. The minimum distance between any single detached unit and any adjacent building shall be fifteen (15) feet.
 - b. Building setbacks from streets shall be equal to the front yard setback of the district.
 - c. Buildings shall not be closer than twenty-five (25) feet to the pavement edge of interior private drives.
3. The area in open space (including recreation areas and water) accomplished through the use of one-family cluster development shall represent at least fifteen (15) percent of the total parcel area. The provision of walks, trails, and recreation facilities is required within the open space areas.
4. In order to provide an orderly transition of density, where the parcel proposed for use as a cluster development abuts a one-family residential district, the abutting one-family district shall be effectively buffered by means of one (1) of the following within the cluster development:
 - a. Single-family lots subject to the standards of the schedule of regulations.
 - b. Detached one-family buildings with setbacks as required by the schedule of regulations for the applicable residential district.
 - c. Open or recreation space not less than one hundred (100) feet in depth.
 - d. A densely planted buffer not less than fifty (50) feet in depth.

E. Procedures:

1. Qualification for Cluster Development:

- a. Application to the Planning Commission for qualification of a parcel for cluster development shall include documentation sustaining one (1) or more of the characteristics outlined in Section (B) of this Article.

- b. The Planning Commission may make a preliminary determination as to whether or not a parcel qualifies for the cluster option under one (1) of the provisions of Section (B) of this Article based upon the documentation submitted. Such review is not a requirement but may be requested by the sponsor.
- c. A preliminary determination by the Planning Commission that a parcel qualifies for cluster development does not ensure approval. It does, however, give an initial indication as to whether or not a petitioner should proceed to prepare a site plan.

2. Preliminary Site Plan and Cluster Approval:

- a. A preliminary site plan shall be submitted to the Planning Commission and Township Board for review in two (2) stages:
 - 1. An initial review of the plan concept including the information called for in subsection (E)(3) b of this section,
 - 2. Review of the plan at a Public Hearing, including information called for in subsection (E)(3) c of this section.
- b. In submitting a proposed lay out under this section, the applicant of the development shall include, along with the site plan, typical building elevations and floor plans, topography drawn at two (2) foot contour intervals, all computations relative to acreage and density, a preliminary grading plan, and any other details that will assist in reviewing the proposed plan.
- c. Site plans submitted under this option shall be accompanied by information as required in the subdivision regulations of the Township provided, however, that:
 - 1. Submission of an open space plan and project cost estimates for the initial review of the preliminary site plan shall be submitted at the option of the applicant.
 - 2. The open space plan and cost estimate shall be submitted for review at the public hearing.
- d. The Planning Commission shall give notice of the Public Hearing in accordance with provisions of Act 110 of 2006 (see Section 3.02).
- e. If the Planning Commission is satisfied that the proposal meets the letter and spirit of the zoning ordinance and should be approved, it shall set forth any conditions upon which such approval is based. If the Planning Commission is not satisfied that the proposal meets the letter and spirit of this ordinance, or finds that approval of the proposal would be detrimental to existing development in the general area and should not be approved, it shall record the reasons therefore in the minutes of the Planning Commission meeting. Notice of recommendation of approval or disapproval of the proposal together with copies of all layouts and other relevant information shall be forwarded to the Township Clerk.
- f. The Township Board shall review the action of the Planning Commission together with relevant material submitted by the applicant. The Township Board shall take action to approve or disapprove the preliminary plan or may refer such plan back to the Planning Commission with direction for further review.

3. Final Site Plan:

- a. After approval of a preliminary plan and cluster option, final site plan shall be submitted in accordance with the requirements of Article 6.
- b. If the final site plan is recommended for approval, such plan shall be submitted to the Township Attorney for the preparation of agreements setting forth the conditions upon which the approval is based. Such agreement shall be finalized and approved by the Township Board prior to the issuance of any building permits.

- c. As a condition for the approval of the final site plan and open space plan, the applicant may be required to deposit cash, irrevocable letters of credit, or other equivalent forms of security as approved by the Township Board, in the amount of the estimated cost of the proposed improvements to the open land guaranteeing the completion of such improvements within a time to be set by the Township Board. Actual development of the open space shall be carried out concurrently with the construction of dwelling units. The Township may require landscape improvement for the entire site frontage where such site abuts public streets as an initial site improvement even though such frontage is not part of any early stage of project development.

Section 10.02 SUBDIVISION OPEN SPACE PLAN

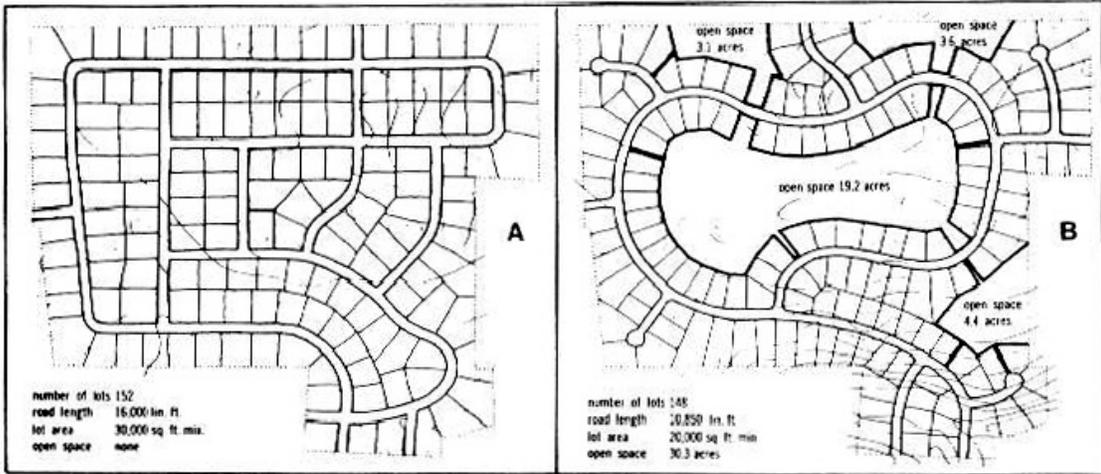
The intent of this Section is to permit one-family residential subdivisions to be planned as a comprehensive unit allowing, therefore, certain modifications to the standards as outlined in the Schedule of Regulations to be made in the R-1 Residential Resource Sensitive District when the following conditions are met:

- A. Lot dimensions in R-1 Districts may be reduced in accord with the following schedule, provided that the number of residential lots shall be no greater than if the land area to be subdivided were developed in the minimum square foot lot areas as required for each district under Section 9.10:
 - 1. All calculations of density for residential development shall be predicated upon the R-1 Residential Resource Sensitive District having a maximum dwelling unit density of five (5) dwelling units per acre.
 - 2. Lot widths shall be not less than required in Section 9.10, Schedule of Regulations.
 - 3. Lot depths shall not be less than required in Section 9.10, Schedule of Regulations.
 - 4. Minimum yard setbacks shall be provided as required in Section 9.10, Schedule of Regulations.
 - 5. Where lots have a rear yard abutting land dedicated to the common use of the subdivision, lot depths may be reduced to a minimum of one hundred (100) foot depth and rear yards may be reduced to a minimum of twenty (20) feet.
- B. For each square foot of land gained, under the provisions of Item 1 above, of Section 10.02, within a residential subdivision, through the reduction of lot size below the minimum requirements as outlined in the Schedule of Regulations, equal amounts of land shall be dedicated to the common use of the lot owners of the subdivision. These dedications shall be either rights in fee or easement, and retained as open space for park, recreation, and related uses. All lands dedicated in fee or easement shall meet the requirements of the Township Board of the Township.
- C. The area to be dedicated for conservation, public park or recreation purposes shall in no instance be less than two (2) acres and shall be in a location and shape approved by Township. Said land shall be so graded and developed as to have natural drainage, and shall provide access for the common use of the subdivision by means of streets or pedestrian easements.
- D. The following objectives will be considered in evaluating plats submitted under these Subdivision Open Space Plan provisions:
 - 1. To provide a more desirable living environment by preserving the natural character of open fields, stands of trees, brooks, wetlands, streambeds, topography, and similar natural assets.
 - 2. To encourage developers to use a creative approach in the development of residential areas on less sensitive soils to reduce erosion and minimize land disturbance and removal of vegetation.
 - 3. To encourage a more efficient, aesthetic and desirable use of open area while recognizing a reduction in development costs, and by allowing the developer to bypass natural obstacles on the site.

4. To encourage the provision of open space within reasonable distance to all lot development of the subdivision and to further encourage the development of recreation facilities and promote convenient walkways and bike paths both within the subdivision and to neighboring areas.
- E. This plan for reduced lot sizes shall only be permitted if it is mutually agreeable to the Township Board and the subdivided or developer.
- F. Application for approval of a Subdivision Open Space Plan shall be submitted at the time of submission of the proposed plat for approval as required by the State Subdivision Control Act and the Township Subdivision Regulations.
- G. Under this Subdivision Open Space Plan the developer or sub divider shall dedicate the total park area (see item B) at the time of filing of the final plat on all or any portion of the plat.

Under this plan, provisions satisfactory to the Township Board shall be made to provide for financing any improvements shown on the plan for open space areas, and common use areas which are to be included within the development and that maintenance of such improvements is assured by means satisfactory to the Township Board.

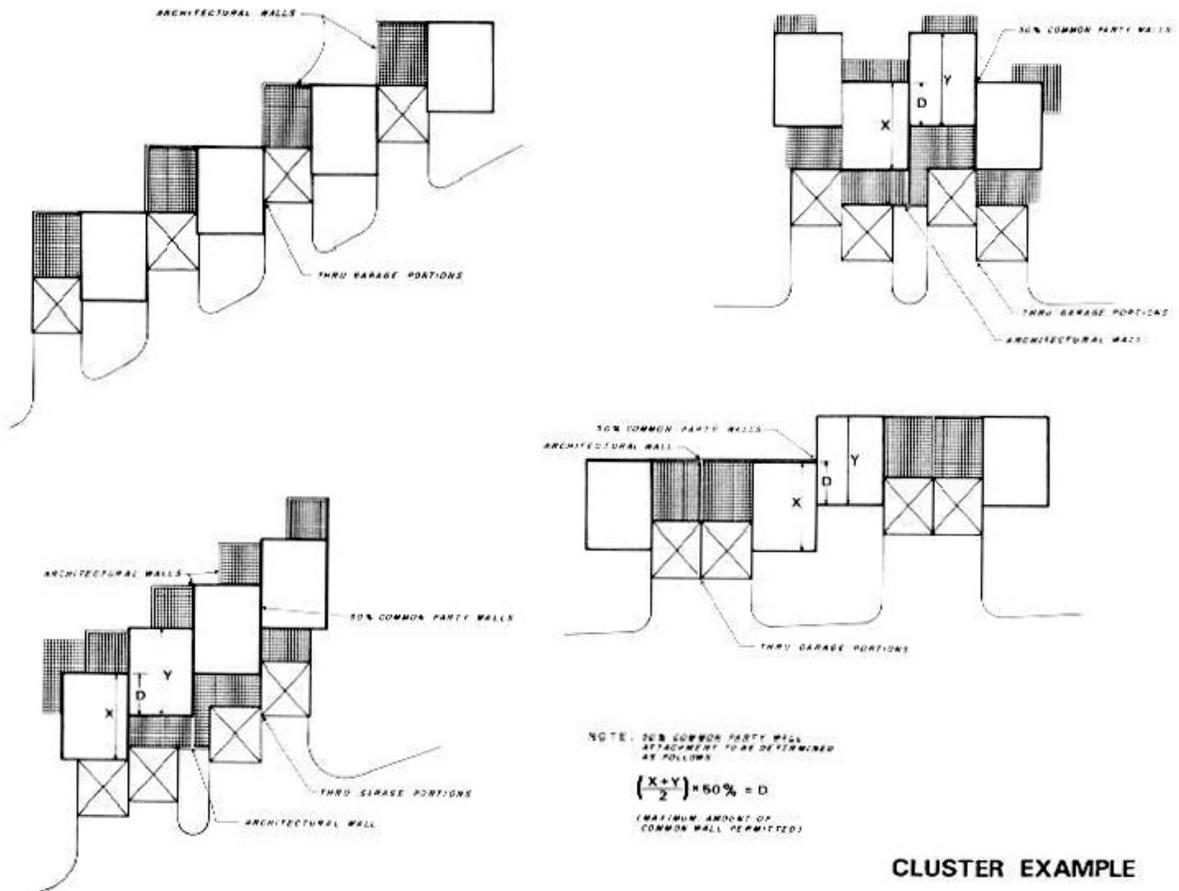
Can't read these....



CONVENTIONAL

OPEN SPACE

OPEN SPACE SUBDIVISION EXAMPLE



CLUSTER EXAMPLE

Article 11 ZONING DISTRICTS

Section 11.00 SUMMARY OF USES PERMITTED BY ZONING DISTRICT

A.

Residential Districts	R-N	R-1	R-2	R-3	R-4	R-5	R-6	B-2	B-3	C-1	I-1
Agriculture	P										
Single Family Dwelling	P	P	P	P	P						
Two Family Dwelling						P					
Multiple family development				S		PS					
Day care, Family home		P	P	P	P	P					
Day care, group home		S	S	S	S	S					
Day care center		S	S	S		S					
Foster care, Family home		P	P	P	P	P					
Foster care, group home		S	S	S	S	S					
Nursing Home						S					
Home occupation		PS	PS	PS	PS	PS					
Outdoor public and commercial recreation	P										
Commercial recreation, limited to camp grounds	S										
Communication towers	S										
Kennels	S										
Private Stables	S	S									
Commercial Stables	S										
Golf Course/Country Clubs	S	S	S	S	S						
Extraction operations	S										
Public facilities substation and yards, etc.	S	S	S	S	S	S					
Private Landing Strips	S										
Public facilities, administration, schools, parks, etc.		S	S	S	S	S					
Churches		S	S	S	S	S					
Planned unit development		S	S	S	S	S					
Hotels and motels					S						
Bed and Breakfast					S						
Retail businesses, except drive-in					S						
Standard restaurants and clubs					S						
Mobile Home parks							P				
Shooting Ranges	S										
Accessory use and structures	P	P	P	P	P	P	P				

P= Permitted Use

S= Special Use

B.

Business Districts	C-1	C-2	C-3
	Retail Businesses, except drive-in	P	P
Personal Services	P	P	
Offices	P	P	
Theatres and Assembly Halls	P	P	
Office and Showrooms	P	P	
News paper office and Printing	P	P	
Standard restaurants	P	P	P
Public Facilities, Schools, Parks, Utilities, etc.	S	S	
Hotels and Motels	S	P	P
Bed and Breakfast	S	P	S
Churches	S	S	
Drive-in and Drive-through	S	S	
Outdoor Cafes	S	S	
Planned Unit Development	S	S	S
Auto Dealerships		P	
Auto Car wash		P	
Indoor recreation, theatre, bowling, etc.		P	
Wholesale businesses		P	
Building supply		P	
Private Clubs		P	
Veterinarian Clinics		P	
Storage of materials for retail sale		P	
Open air businesses		S	
Auto service station		S	
Funeral Homes		S	
Mini storage facilities		S	
Hospitals and Clinics		S	
Outdoor Commercial Recreation		S	
Private Trade Schools		S	
Marinas			P
Boat Sales			P
Boat Storage			P
Retail-primarily boating and marine			P
Existing Campground			P
Public Parks			S
Boat fuel station			S
Waterfront Manufacturing			S
Accessory Uses and Structures	P	P	P

Will need to be updated to reflect any C-3 changes

C.

Industrial Districts	
	I-1
Tool and die manufacturing	P
Plastic molding	P
Central dry cleaning plant	P
Monument and art stone production	P
Printing and Publishing	P
Building material sales yard	P
Commercial uses, not retail	P
Manufacturing drugs, pharmaceuticals, etc.	P
Manufacturing from previously prepared materials	P
assembling of appliances, etc.	P
Research and testing	P
Public Utility service yards	P
Painting, upholstering, etc.	P
Auto salvage and junk yards	S
Communication towers	S
Retail requiring outdoor storage	S
Auto and machinery assembly	S
Metal plating and buffering	S
Production or storage of goods	S
Blast furnaces, manufacturing, etc.	S
Residence for caretaker	S
Private trade schools	S
Mini storage facilities	S
Adult entertainment facilities	S
Private landing strips	S
Accessory uses and structures	P

P= Permitted Use

S= Special Use

Section 11.01 R-NR: RESIDENTIAL – NATURAL RESOURCE DISTRICT

1. It is the intent of the Residential–Natural Resource District to protect those lands in the Township, **which embody special and important natural resources and which the enjoyment and protection of** these resources is of great public interest to the Charter Township of AuSable and the State of Michigan. Much of the land within this district is comprised of public holdings, which are part of the Huron National Forest and other lands within this district are characterized by extensive wetlands, woodlands, and flood prone areas. Together, these resources and the other un-urbanized areas of the District are critical in providing for wildlife habitats, water and air purification, flood control, recreation opportunities, and economically viable timber production opportunities. It is the intent of this district to limit the introduction of land uses, which will undermine the intent, quantity, quality and value of the resources contained within. This District is also composed of parcels lacking adequate vehicular access and it is further the intent of this District to limit residential development to very low densities due to the limited access and the lack of availability of emergency and other public services. The Residential–Natural Resource District is intended to implement the Conservation Area component of the the Charter Township of AuSable Future Land Use Plan.

2. **Uses Permitted By Right:**
 - A. Agriculture.

 - B. Outdoor public and commercial recreation, limited to: public or commercial conservation areas, parks, game refuges, and similar open space uses, but excluding commercial campgrounds.

 - C. Single-family dwellings.

 - D. Foster care facility, family home, provided it is not located within one thousand five hundred (1,500) feet of another such facility (state licensed residential facility).

 - E. Home occupations subject to the following:
 1. Home occupations that create the following conditions shall not be permitted:
 - a. Changes the outside appearance of the dwelling or is visible from the street;

 - b. Generates traffic, parking, sewerage, or water use in excess of what is normal in the residential neighborhood;

 - c. Creates noise, vibration, glare, fumes, odors or results in electrical interference, or becomes a nuisance;

 - d. Results in outside storage or display of anything other than a sign in accordance with Article 22 Signs;

 - e. Requires the employment of no other person other than members of the immediate family occupying the dwelling;

 - f. Requires exterior building alterations to accommodate the occupation;

 - g. Occupies more than twenty-five (25) percent of the floor area of the dwelling, or fifty (50) percent of a detached garage;

 - h. Requires parking for customers that cannot be accommodated on the site. Required parking may include not exceeding one (1) parking space at curb side on the street;

 - i. Requires the delivery of goods or the visit of customers before 6:00 am and after 8:00 pm.

 2. The following are permitted home occupations provided they do not violate any of the provisions of the previous paragraph:

- a. Dressmaking, sewing and tailoring;
 - b. Painting, sculpting, or writing;
 - c. Telephone answering;
 - d. Home crafts, such as model making, rug weaving and lapidary work;
 - e. Tutoring limited to four (4) students at a time;
 - f. Computer application including software and not including sale of computers;
 - g. Salespersons office or home office of a professional person;
 - h. Laundering and ironing;
 - i. Repair of clocks, instruments, or other small appliances, which do not create a nuisance due to noise, vibration, glare, fumes, odors, or results in electrical interference;
 - j. Dance studios, limited to four (4) students.
3. The following are prohibited as home occupations:
- a. Private clubs;
 - b. Repair shops which may create a nuisance due to noise vibration, glare, fumes, odors, or electrical interference;
 - c. Restaurants
 - d. Boarding, stables, kennels;
 - e. Motor vehicle repair or paint shops;
 - f. Retail sales that requires visits of customers to the home.
- F. Accessory uses and structures customarily incidental to and subordinate to the permitted principle use, including home occupations

3. Special Land Uses Permitted By Special Approval:

- A. Shooting ranges.
- B. Outdoor commercial recreation, limited to campgrounds.
- C. Communication towers.
- D. Kennels.
- E. Private stables.
- F. Commercial stables.
- G. Golf course/country club.
- H. Extraction operations.

- I. Public facilities, limited to substations or structures associated with public utilities and enclosures or shelters for service equipment and maintenance depots, and storage yards of public utility companies.
- J. Private landing strips.
- K. Home occupations that are not permitted by right or specifically prohibited as indicated by Section 11.01 2.E. 3.
- L. Wind powered electrical generation system.

4. Site Development Requirements For All Uses And Structures:

The following minimum and maximum standards shall apply to all uses and structures in the Forestry District unless otherwise modified by the provisions of Article 16, Standards for Special Land Uses; Article 18; General Provisions; or as varied pursuant to Article 4, Zoning Board of Appeals.

- A. **Minimum Net Lot Area:** Ten (10) acres.
- B. **Minimum Lot Frontage and Lot Width:** Three hundred thirty (330) feet.
- C. **Yard and Setback Requirements:**
 - 1. **Front Yard:** Fifty (50) feet.
 - 2. **Side Yard: Twenty (20) feet.**
 - 3. **Rear Yard:** Thirty-five (35) feet.
 - 4. **Maximum Lot Coverage:** Ten (10) percent.
 - 5. **Maximum Height:** Two (2) stories but not to exceed thirty (30) feet, except that the maximum height of farm buildings and structures shall be one hundred (100) feet. All farm buildings and structures over thirty (30) feet shall be set back from a lot line a distance at least equal to the height of the building.
 - 6. **Minimum Floor Area per Single Family Dwelling Unit:** Seven hundred fifty (750) feet.
 - 7. **Dwelling Unit Review:** in accord with Section 18.21 dwellings.
 - 8. Applicable provisions of Article 19: Nonconforming Uses; Article 20: Access Controls; Article 21: Off-Street Parking and Loading; Article 22: Signs; Article 23: Landscaping and Screening; Article 24: Environmental Standards, and other provisions of this Ordinance as may be applicable.

5. Open Space Preservation Provision:

At the option of the land owner the number of dwelling units to be developed on the overall parcel may be clustered and placed on smaller parcels than normally allowed for in the zoning district if all of the following provisions apply.

- A. A percentage of the land area specified in the zoning ordinance, but not less than fifty (50) percent, will 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, as prescribed by the zoning ordinance.
- B. The development does not depend upon the extension of a public sewer or public water supply system, unless development of the land without the exercise of the option provided by this subsection would also depend upon such an extension.
- C. The option provided pursuant to this subsection has not previously been exercised with respect to that land.

- D. The development is subject to other applicable ordinances, laws, and rules, including rules relating to suitability of groundwater for onsite water supply for land not served by public water and rules relating to suitability of soils for on-site sewage disposal for land not served by public sewers.

Section 11.02 R-1: RESIDENTIAL – RESOURCE SENSITIVE

- 1. **Intent:** It is the intent of the Residential – Resource Sensitive District to encourage thoughtfully planned and environmentally sound residential development within the area known locally as the Dead AuSable River corridor. Much of the land within this district consists of lowland and upland wetland ecosystems, and wildlife habitat. Residential development within this district is intended to provide property owners the ability to concentrated residential development in buildable areas while preserving the critical wetland and wildlife habitat.

- 2. **Uses Permitted By Right:**
 - A. Single-family dwellings.

 - B. Day care, family home.

 - C. Foster care facility, family home, provided it is not located within one thousand five hundred (1,500) feet of another such facility. (State licensed residential facility.)
 - D. Home occupations in accordance with the provisions of Section 11.01, 2.E.

 - E. Accessory uses and structures customarily incidental to and subordinate to the permitted principle use.

- 3. **Special Land Uses Permitted By Special Approval:**
 - A. Public facilities, including public administration buildings, parking lots, cemeteries, parks, schools, libraries, and similar uses and activities, excluding substations or structures associated with public utilities and enclosures or shelters for service equipment and maintenance depots.

 - B. Churches and religious institutions, including housing for religious personnel affiliated with the church or religious institution.

 - C. Day care, group home.

 - D. Foster care facility, group home.

 - E. Day care center.

 - F. Golf course/country club.

 - G. Private stables.

 - H. Planned Unit Development.

 - I. Home occupations that are not permitted by right or specifically prohibited as indicated by Section 11.01

- 4. **Site Development Requirements:**

The following minimum and maximum standards shall apply to all uses and structures in the Low Density Residential District unless otherwise modified by the provisions of Article 16, Standards for Special Land Uses; Article 17, Standards for Planned Unit Developments; Article 18, General Provisions; or as varied pursuant to Article 4; Zoning Board of Appeals.

 - A. **Minimum Lot Area:** Twenty thousand (20,000) square feet.

 - B. **Minimum Lot Frontage and Lot Width:** One hundred (100) feet.

C. Yard and Setback Requirements:

1. **Front Yard:** Thirty-five (35) feet.
2. **Side Yards:** Minimum five (5) feet per yard and a combined total of twenty (20) feet.
3. **Rear Yard:** Forty (40) feet.

D. **Maximum Lot Coverage:** Thirty-five (35) percent.

E. **Maximum Height:** Two (2) stories but not to exceed thirty (30) feet.

F. **Minimum Floor Area per Single Family Dwelling Unit:** One thousand two hundred fifty (1,250) square feet.

G. **Dwelling Unit Review:** in accord with Section 18.21 Dwellings

H. **Open Space Preservation Provision:** Land may be developed, at the option of the land owner, with the same number of dwelling units on a parcel of land at the dwelling unit density (lots per acre) as required in the R-1 District with a reduced size of not more than twenty (20) percent of the required lot size, provided twenty (20) percent of the land will remain perpetually in an undeveloped state by means of a conservation easement, plot dedication, restrictive covenant, or other legal means acceptable to the township.

I. Applicable provisions of Article 19: Nonconforming Uses; Article 20: Access Controls; Article 21: Off-Street Parking and Loading; Article 22: Signs; Article 23: Landscaping and Screening; Article 24: Environmental Standards, and other provisions of this Ordinance as may be applicable.

Section 11.03 R-2: RESIDENTIAL - MEDIUM DENSITY

1. **Intent:** It is the intent of the Medium Density Residential District to provide opportunities for single-family residential neighborhoods at densities greater than those permitted in the Low Density Residential District but not as great as in the Township's village areas. This District is characterized by both existing residential neighborhoods and vacant land available to accommodate additional residential development of similar general character while preserving the residential character of the nearby existing stable residential areas.

2. Uses Permitted By Right:

- A. Single-family dwellings.
- B. Day care, family home.
- C. Foster care facility, family home; provided it is not located within one thousand five hundred (1,500) feet of another such facility.
- D. Home occupation in accordance with the provisions of Section 11.01, 2.E.
- E. Accessory uses and structures customarily incidental to and subordinate to the permitted principle use.

3. Special Land Uses Permitted By Special Approval:

- A. Public facilities, including public administration buildings, parking lots, cemeteries, parks, schools, libraries, and similar uses and activities, excluding substations or structures associated with public utilities and enclosures or shelters for service equipment and maintenance depots.
- B. Churches and religious institutions, including housing for religious personnel affiliated with the church or religious institution.

- C. Day care, group home.
- D. Foster care facility, group home.
- E. Day care center.
- F. Planned Unit Development.
- G. Golf Courses and County Clubs.
- H. Home occupations that are not permitted by right or specifically prohibited as indicated by Section 11.01

4. Site Development Requirements:

The following minimum and maximum standards shall apply to all uses and structures in the Medium Density Residential District unless otherwise modified by the provisions of Article 16, Standards for Special Land Uses; Article 17, Standards for Planned Unit Developments; Article 18, General Conditions; or as varied pursuant to Article 4; Zoning Board of Appeals.

- A. **Minimum Lot Area:** Nine thousand six hundred (9,600) square feet.
- B. **Minimum Lot Frontage and Lot Width:** Eighty (80) feet.
- C. **Yard and Setback Requirements:**
 - 1. **Front Yard:** Twenty-five (25) feet.
 - 2. **Side Yards:** Minimum five (5) feet per yard and a combined total of fifteen (15) feet.
 - 3. **Rear Yard:** Thirty-five (35) feet.
- D. **Maximum Lot Coverage:** Thirty-five (35) percent.
- E. **Maximum Height:** Two (2) stories but not to exceed thirty (30) feet.
- F. **Minimum Floor Area per Single-Family Dwelling Unit:** One thousand fifty (1,050) square feet.
- G. **Dwelling Unit Review:** in accord with the provisions of Section 18.21 Dwellings.
- H. Applicable provisions of Article 19: Nonconforming Uses; Article 20: Access Controls; Article 21: Off-Street Parking and Loading; Article 22: Signs; Article 23: Landscaping and Screening; Article 24: Environmental Standards, and other provisions of this Ordinance as may be applicable.

Section 11.04 R-3: RESIDENTIAL - HIGH DENSITY

- 1. **Intent:** It is the intent of the High Density Village Residential District to provide opportunities for primarily single-family residential development within an urban village setting. This District includes existing neighborhood areas associated with the unincorporated Village of AuSable in addition to limited areas of nearby vacant land suitable for accommodating additional similar village residential development provided adequate public facilities are provided. This District is intended to accommodate new residential development while similarly preserving the residential character of the existing stable neighborhoods in this District. This District is intended to assist in implementing portions of the AuSable Village concept component of the Charter Township of AuSable Master Plan.
- 2. **Uses Permitted By Right:**
 - A. Single-family dwellings.
 - B. Day care, family home.

- C. Foster care facility, family home, provided it is not located within one thousand five hundred (1,500) feet of another such facility.
- D. Home occupations in accordance with the provisions of Section 11.01, 2.
- E. Accessory uses and structures customarily incidental to and subordinate to the permitted principle use.

3. Special Land Uses Permitted By Special Approval:

- A. Public facilities, including public administration buildings, parking lots, cemeteries, parks, schools, libraries, and similar uses and activities, excluding substations or structures associated with public utilities and enclosures or shelters for service equipment and maintenance depots.
- B. Churches and religious institutions, including housing for religious personnel affiliated with the church or religious institution.
- C. Day care, group home.
- D. Foster care facility, group home.
- E. Day care center.
- F. Multiple family development.
- G. Golf courses and country clubs.
- H. Planned Unit Development.
- I. Home occupations that are not permitted by right or specifically prohibited as indicated by Section 11.01

4. Site Development Requirements: The following minimum and maximum standards shall apply to all uses and structures in the High Density Residential District unless otherwise modified by the provisions of Article 16, Standards for Special Land Uses; Article 18, General Conditions; or as varied pursuant to Article 4; Zoning Board of Appeals.

- A. **Minimum Lot Area:** Six thousand (6,000) square feet.
- B. **Minimum Lot Frontage and Lot Width:** Fifty (50) feet.
- C. **Yard and Setback Requirements:**
 - 1. **Front Yard:** Twenty-five (25) feet.
 - 2. **Side Yards:** Minimum three (3) feet per yard and a combined minimum total of twelve (12) feet.
 - 3. **Rear Yard:** Thirty-five (35) feet.
- D. **Maximum Lot Coverage:** Thirty-five (35) percent.
- E. **Maximum Height:** Two (2) stories but not to exceed thirty (30) feet.
- F. **Minimum Floor Area per Dwelling Unit:** Seven hundred fifty (750) square feet.
- G. **Dwelling Unit Review:** in accord with the provisions of Section 18.24 Dwellings

- H. Applicable provisions of Article 19: Nonconforming Uses; Article 20: Access Control; Article 21: Off-Street Parking and Loading; Article 22: Signs; Article 23: Landscaping and Screening; Article 24: Environmental Standards, and other provisions of this Ordinance as may be applicable.

Section 11.05 R-4: RESIDENTIAL – TOURIST DISTRICT

1. **Intent:** It is the intent of the Lake Tourist-Residential District to provide opportunities for primarily single family residential development near lakeshore areas of the Township where residential development can be adequately accommodated, while also providing opportunities for certain land uses which cater to the needs of tourists and seasonal visitors to the Township. This District is characterized by primarily existing single-family residential lakeshore development and tourist oriented residential land uses such as motels. This District also includes vacant land and is intended to provide for additional single-family dwellings and tourist-oriented lodging provided such lodging developments are adequately sited and designed to avoid negatively impacting adjacent land uses. All development in this District shall be based upon the recognition of the fragility of the Township's lakeshore environments and the resulting development constraints these conditions present. The purpose of this district is to permit development near specified areas of the Lake Huron shoreline, including some lands abutting the west side of U.S. 23, while assuring the maintenance of safe and healthy conditions and preserving the economic and natural environmental value of the shore lands.
2. **Uses Permitted By Right:**
 - A. Single-family dwellings.
 - B. Day care, family home.
 - C. Motels and hotels existing prior to the adoption of this ordinance.
 - D. Foster care facility, family home, provided it is not located within one thousand five hundred (1,500) feet of another such facility. Must be State licensed residential facilities.
 - E. Home occupations in accordance with the provision of Section 11.01, 2-
 - F. Accessory uses and structures customarily incidental to and subordinate to the permitted principle use.
3. **Special Land Uses Permitted By Special Approval:**
 - A. Public facilities, including public administration buildings, parking lots, cemeteries, parks, schools, libraries, and similar uses and activities, excluding substations or structures associated with public utilities and enclosures or shelters for service equipment and maintenance depots.
 - B. Churches and religious institutions, including housing for religious personnel affiliated with the church or religious institution.
 - C. Day care, group home.
 - D. Foster care facility, group home.
 - E. Hotels and motels seeking to expand or the construction of new hotels and motels.
 - F. Hotels and motels.
 - G. Bed and Breakfast.
 - H. Any generally recognized retail business, except a drive-in business, which supplies commodities on the premises within a completely enclosed building including, but not limited to, foods, drugs, liquor, furniture, clothing, dry goods, notions, books, flowers, jewelry or hardware, and does not occupy more than eight thousand (8,000) square feet of floor area per story.

- I. Standard restaurants, clubs, and other establishments, which provide food or drink for consumption by persons seated within a building that is not part of a drive-in, and may also provide dancing and entertainment.
 - J. Planned Unit Development.
 - K. Golf Courses and County Clubs.
 - L. Any Home occupations that are not permitted by right or specifically prohibited as indicated by Section 11.01
 - M. Duplexes
 - N. Multi-family Dwellings
 - O. Condominium Conversion
4. **Site Development Requirements:** The following minimum and maximum standards shall apply to all uses and structures in the Lake Tourist-Residential District unless otherwise modified by the provisions of Article 16, Standards for Special Land Uses; Article 17, Standards for Planned Unit Developments; Article 18, General Provisions; or as varied pursuant to Article 4; Zoning Board of Appeals.
- A. **Minimum Lot Area:** Seven thousand two hundred (7,200) square feet.
 - B. **Minimum Lot Frontage and Lot Width:** Fifty (50) feet.
 - C. **Yard and Setback Requirements:**
 - 1. **Front Yard:** Twenty-five (25) feet for new structures. On U.S. 23 where the highway right-of-way is two hundred (200) feet or more in width, no minimum setback is established for an existing structure or new structure used to replace an existing structure, except in the case where the paved edge of U.S. 23 may be widened to within twenty-five (25) feet of such existing structure, in which case any structure erected to replace or expand such existing structure shall comply with the twenty-five (25) foot setback requirement.
 - 2. **Side Yards:** Side Yards A minimum of five (5) feet on one side providing there is a minimum of fifteen (15) feet both sides combined.
 - 3. **Rear Yard:** Thirty-five (35) feet.
 - D. **Maximum Lot Coverage:** Thirty-five (35) percent.
 - E. **Maximum Height:** Two (2) stories but not to exceed thirty (30) feet.
 - F. **Minimum Floor Area per Single-Family Dwelling Unit:** Seven hundred fifty (750) square feet.
 - G. **Dwelling Unit Review:** in accord with the provisions of Section 18.21 Dwellings
 - H. **Applicable provisions of Article 19:** Nonconforming Uses; Article 20: Access Control; Article 21: Off-Street Parking and Loading; Article 22: Signs; Article 23: Landscaping and Screening; Article 24: Environmental Standards, and other provisions of this Ordinance as may be applicable.

Section 11.06 R-5: RESIDENTIAL - MULTIPLE FAMILY DISTRICT

- 1. **Intent:** It is the intent of the Multiple Family Residential District to provide opportunities for high-density residential development in the form of duplex and multiple family dwellings. This District is

intended to accommodate new high density residential development where adequate public services and facilities are available to meet the demands of such high density uses and where such uses will not undermine the stability and character of nearby residential areas. This District is intended to implement, in part, portions of the Village Residential Area component of the Charter Township of AuSable Future Land Use Plan.

Uses Permitted By Right:

- A. Two-family dwellings.
- B. Multiple family dwellings provided no single building contains more than four (4) dwelling units and the total number of dwelling units does not exceed a density of seven (7) dwelling units per acre.
- C. Day care, family home.
- D. Foster care facility, family home; provided it is not located within one thousand five hundred (1,500) feet of another such facility.
- E. Home occupation in accordance with the provisions of Section 11.01, 2.E.
- F. Accessory uses and structures customarily incidental to and subordinate to the permitted principle use.

3. Special Land Uses Permitted By Special Approval:

- A. Public facilities, including public administration buildings, parking lots, cemeteries, parks, schools, libraries, and similar uses and activities, excluding substations or structures associated with public utilities and enclosures or shelters for service equipment and maintenance depots.
- B. Churches and religious institutions, including housing for religious personnel affiliated with the church or religious institution.
- C. Day care, group home.
- D. Foster care facility, group home.
- E. Day care center.
- F. Nursing Homes.
- G. Multiple family dwellings, which include buildings containing more than four (4) dwelling units, or the total number of dwelling units in the multiple family development project exceeds a density of seven (7) dwelling units per acre.
- H. Planned Unit Development.
- I. Any Home occupations that are not permitted by right or specifically prohibited as indicated by Section 11.01

4. Site Development Requirements: The following minimum and maximum standards shall apply to all uses and structures in the Multiple Family Residential District unless otherwise modified by the provisions of Article 16, Standards for Special Land Uses; Article 18, General Provisions; or as varied pursuant to Article 4; Zoning Board of Appeals.

- A. **Minimum Lot Area:** Ten thousand (10,000) square feet for two-family dwellings and twenty thousand (20,000) square feet for multiple family dwellings.
- B. **Minimum Lot Frontage and Lot Width:** Eighty (80) feet.

C. Yard and Setback Requirements:

1. **Front Yard:** Twenty-five (25) feet.
2. **Side Yards:** Minimum ten (10) feet per side and a combined total of twenty (20) feet for both sides, except that multiple family dwellings shall be set back an additional one (1) foot for every ten (10) feet that the multiple family dwelling exceeds an overall length of forty (40) feet, as measured along the side yard.
3. **Rear Yard:** Thirty (30) feet.

D. Maximum Lot Coverage: Thirty-five (35) percent.

E. Maximum Height: Two (2) stories but not to exceed thirty (30) feet.

F. Minimum Floor Area per Dwelling Unit:

1. Two-family dwellings: Seven hundred fifty (750) square feet.
2. Multiple family dwellings:
 - a. Efficiency apartments/One bedroom unit: Four hundred fifty (450) square feet.
 - b. Two-bedroom unit: Five hundred fifty (550) square feet.
 - c. Three or more bedroom units: Six hundred fifty (650) square feet.

Dwelling Unit Review: in accord with the provisions of Section 18.21.

Minimum Distance Between Buildings: the minimum distance between any two (2) buildings shall be regulated according to the length and height of such buildings. The formula regulating the required minimum distance between two (2) buildings is as follows:

$$S = \frac{LA + LB + 2(HA + HB)}{6} \text{ where:}$$

S = Required minimum horizontal distance between any wall of building A and any wall of building B or the vertical prolongation of either.

LA = Total length of building A.
The total length of building A is the length of that portion of portions of a wall or walls of building A from which, when viewed directly from above, lines drawn perpendicular to building A will intersect any wall of building B.

LB = The total length of building B.
The total length of building B is the length of that portion or portions of a wall or walls of building B from which when viewed directly from above, lines drawn perpendicular to building B will intersect any wall of building A.

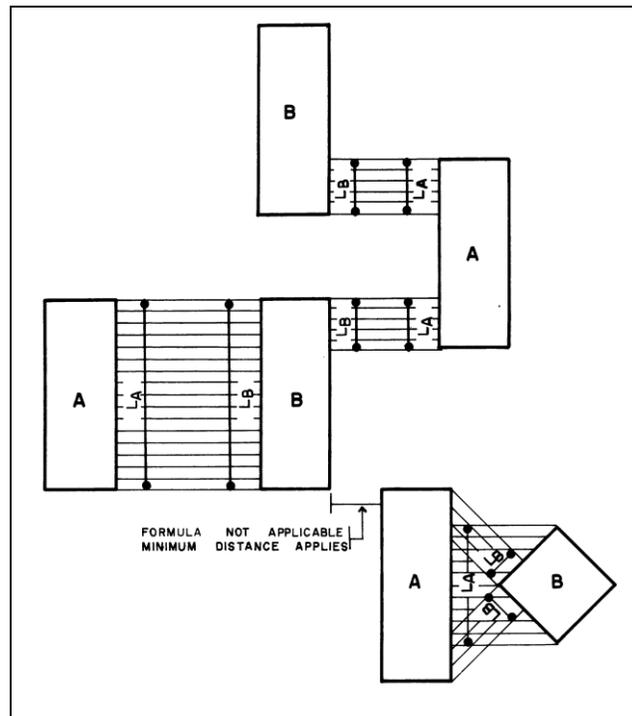
HA = Height of building A.
The height of building A at any given level is the height above natural grade level of any portion or portions of a wall or walls along the length of building A. Natural grade level shall be the mean level of the ground immediately adjoining the portion or portions of the wall or walls along the total length of the building.

HB = Height of building B.

The height of building B at any given level is the height above natural grade level of any portion or portions of a wall or walls the length of building B. Natural grade level shall be the mean level of the ground immediately adjoining the portion or portions of the wall or walls along the total length of the building.

For no instance shall the distance between any two (2) multiple family dwellings, which occupy the same lot shall be not less than thirty (30) feet if one (1) or more of the walls facing each other contains windows, otherwise the minimum distance shall not be less than twenty (20) feet.

Distance Spacing for Multiple Dwellings



- I. Applicable provisions of Article 19: Nonconforming Uses; Article 20: Access Control; Article 21: Off-Street Parking and Loading; Article 22: Signs; Article 23: Landscaping and Screening; Article 24: Environmental Standards, and other provisions of this Ordinance as may be applicable.

Section 11.07 R-6: MOBILE HOME PARK DISTRICT

1. **Intent:** It is the intent of the Mobile Home Park Residential District to provide opportunities for the development of mobile home parks to meet the varied housing needs of the Township's present and future residents while similarly limiting excessive public costs and demands placed upon public facilities and services, which may be associated with such housing developments. It is the intent of this district that all mobile home parks be adequately served by public facilities and services and provide for a healthy residential environment.

2. **Uses Permitted By Right:**

A. Mobile home parks.

B. Accessory uses and structures customarily incidental to and subordinate to the permitted principle use.

C. Home occupations in accordance with the provision of Section 11.01, 2.E

3. Site Development Requirements:

The following minimum and maximum standards shall apply to all uses and structures in the Mobile Home Park District.

A. **Minimum Lot Area:** Ten (10) acres.

B. **Minimum Lot Frontage and Lot Width:** Three hundred thirty (330) feet.

C. **Maximum Height:** Two (2) stories, but not to exceed twenty-five (25) feet.

D. **Mobile Home Park Open Space Requirements:** All mobile home parks having fifty (50) or more mobile home sites shall include dedicated open space. The total amount of land dedicated for open space shall not be less than two (2) percent of the park's gross acreage, except that at least twenty-five thousand (25,000) square feet of open space shall be provided.

E. **Mobile Home Site Area:** All mobile home parks shall be developed with sites averaging five thousand five hundred (5,500) square feet per mobile home unit. This five thousand five hundred (5,500) square feet for any one (1) site may be reduced by twenty (20) percent provided that the individual site shall be equal to at least four thousand four hundred (4,400) square feet. For each square foot of land gained through the reduction of a site below five thousand five hundred (5,500) square feet, at least an equal amount of land shall be dedicated as open space above and beyond the minimum required two (2) percent open space area required. In no case shall the open space and distance requirements be less than that required by the Michigan Department of Labor & Economic Growth's Manufactured housing General Rules. .

Mobile Home Construction: All mobile homes shall comply with the National Manufactured Housing Construction and Safety Standards Act of 1974.

F. **Mobile Home Park; Nonresidential Uses:** No portion of any mobile home park shall be used for non-residential purposes, except such uses that are required for the direct servicing and well-being of park residents and for the management and maintenance of the mobile home park.

G. **Home Occupations:** Home occupations involving any accessory structure shall be prohibited in mobile home parks.

H. **Skirting:** Skirting shall be installed around the entire periphery of a mobile home.

I.

J. Applicable provisions of Article 19: Nonconforming Uses; Article 20: Access Control and Private Roads; Article 21: Off-Street Parking and Loading; Article 22: Signs; Article 23: Landscaping and Screening; Article 24: Environmental Standards, and other provisions of this Ordinance as may be applicable.

K. **Other Site Development Requirements:** All mobile home parks shall be constructed and maintained in accordance with P.A. 299 of 1986, the Mobile Home Commission Act, 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 mobile home park shall not be initiated, nor shall a mobile home park be inhabited or operated until all necessary permits have been acquired from the Michigan Department of Public Health, Michigan Department of Commerce, and all other agencies pursuant to the Mobile Home Commission Act.

Article 12

BUSINESS DISTRICTS

Section 12.01 C-1: CENTRAL BUSINESS DISTRICT

1. **Intent:** The Central Business District is intended to provide for central business areas where the presence of retail stores and service establishments address the day-to-day retail and service needs of tourists and local residents. This District is intended to provide for a more pedestrian-oriented commercial area than provided for in other commercial districts and promote convenient pedestrian shopping and stability of retail development by encouraging a contiguous retail frontage and by prohibiting automotive related, highway service, and non-retail uses which tend to break up such continuity and the character intended for this District. The Central Business District is intended to implement the General Commercial Area component of the AuSable Charter Township Future Land Use Plan.

2. **Uses Permitted By Right:**
 - A. Any generally recognized retail business, except a drive-in business, which supplies commodities on the premises within a completely enclosed building including, but not limited to, foods, drugs, liquor, furniture, clothing, dry goods, notions, books, flowers, jewelry or hardware.
 - B. Personal service establishments, except drive-in businesses, which perform services on the premises within a completely enclosed building, such as, but not limited to, repair shops, barber and beauty shops, photographic studios, and dry cleaners.
 - C. Office establishments, except drive-in businesses, which perform services on the premises including but not limited to; financial institutions, insurance offices, real estate offices, artist offices and galleries, professional offices for accountants, doctors, lawyers, engineers, and architects, and similar office uses.
 - D. Theaters, assembly halls, concert halls, or similar places of assembly when conducted completely within an enclosed building, including private clubs and lodges.
 - E. Offices and showrooms of plumbers, electricians, decorator, or similar trades in connection with which not more than twenty-five (25) percent of the floor area of the building or part of the building occupied by said establishment is used for making, assembling, remodeling, repairing, altering, finishing or refinishing its products or merchandise, and provided that the ground floor premises facing upon, and visible from any abutting street shall be used only for entrances, offices, or display.
 - F. Newspaper offices and printing facilities.
 - G. Standard restaurants, clubs, and other establishments which provide food or drink for consumption by persons seated within a building that is not part of a drive-in, and may also provide dancing and entertainment.
 - H. Other uses similar to the above uses provided the Planning Commission finds such use to be compatible with uses in the surrounding area.
 - I. Accessory uses and structures customarily incidental to and subordinate to the permitted principle use.

3. **Special Land Uses Permitted By Special Use Approval:**
 - A. Public facilities, including parking lots, cemeteries, parks, schools, libraries, and similar uses and activities including administrative buildings, but excluding storage yards, substations or structures associated with public utilities, and enclosures or shelters for service equipment and maintenance depots.

- B. Hotels and motels.
 - C. Bed and Breakfasts.
 - D. Churches and religious institutions, including housing for religious personnel affiliated with the church or religious institution.
 - E. Drive-in, drive-through, take-out, pick-up, and other forms of in-vehicle retail or service establishments including restaurants, financial institutions, dry cleaning businesses, and similar facilities.
 - F. Outdoor cafes.
 - G. Planned Unit Development.
4. **Site Development Requirements:** The following minimum and maximum standards shall apply to all uses and structures in the Central Business District unless otherwise modified by the provisions of Article 16, Specific Standards for Special Land Uses; Article 18, General Conditions; or as varied pursuant to Article 4, Zoning Board of Appeals.
- A. **Minimum Lot Area: No minimum requirement.**
 - B. **Minimum Lot Frontage and Lot Width:** No minimum requirement.
 - C. **Yard and Setback Requirements:**
 - 1. **Front Yard:** No minimum requirement.
 - 2. **Side Yards:** No side yard is required along an interior side lot line, otherwise five (5) feet minimum per yard and a combined total of twelve (12) feet, except that ten (10) feet shall be required on the street side of a corner lot or where a side yard abuts a residential zoning district.
 - 3. **Rear Yard:** Twenty (20) feet.
 - D. **Maximum Height:** Three (3) stories but not to exceed forty (40) feet.
 - E. **Maximum Lot Coverage:** No maximum requirement.
 - F. Applicable provisions of Article 19: Nonconforming Uses; Article 20: Access Control; Article 21: Off-Street Parking and Loading; Article 22: Signs; Article 23: Landscaping and Screening; Article 24: Environmental Standards, and other provisions of this Ordinance as may be applicable.

Section 12.02 C-2: General Business District

- 1. **Intent:** The General Business District is intended to accommodate commercial land uses, which address retail and service needs of local, regional, and tourist populations and which typically are comparatively large in building area, encourage comparatively high levels of vehicular traffic or otherwise benefit from high levels of vehicular traffic and on-site parking, and/or do not significantly benefit from being located within a comparatively high level pedestrian traffic area or retail center. This District is intended to accommodate retail and service activities, which are not generally compatible with the intended character of the Central Business District. The General Business District is intended to implement the Highway Commercial Area component of the Charter Township of AuSable Future Land Use Plan.
- 2. **Uses Permitted By Right:**
 - A. C-1 District uses permitted by right.
 - B. Automobile dealerships.

- C. Automobile car wash.
- D. Indoor commercial recreation facilities such as indoor theaters, bowling alleys, skating rinks, or similar uses.
- E. Offices and showrooms of plumbers, electricians, decorator, or similar trades in connection with which not more than twenty-five (25) percent of the floor area of the building or part of the building occupied by said establishment is used for making, assembling, remodeling, repairing, altering, finishing or refinishing its products or merchandise, and provided that the ground floor premises facing upon, and visible from any abutting street shall be used only for entrances, offices, or display.
- F. Wholesale businesses handling candy, drugs, jewelry, novelties, professional barber and beauty supplies, office supplies, radio and television parts, tobacco, and similar products.
- G. Building supply and equipment, for predominantly retail sales.
- H. Private clubs and meeting halls.
- I. Veterinarian clinics.
- J. Standard Restaurants.
- K. Motels and hotels.
- L. Bed and Breakfasts.
- M. Storage of materials or goods for subsequent retail sale provided such storage is contained within a completely enclosed building or otherwise enclosed so as not to be visible to the public from a street.
- N. Accessory uses and structures customarily incidental to and subordinate to the permitted principle use.

3. Special Land Uses Permitted By Special Approval:

- A. C-1 District uses permitted as Special Land Uses permitted by special approval.
- B. Public facilities, including parking lots, cemeteries, parks, schools, libraries, and similar uses and activities, including administrative buildings associated with public utilities and substations or structures and enclosures or shelters for utility service equipment and maintenance depots associated with public utilities.
- C. Open-air businesses including: automobile, truck and boat sales; nursery and landscape supplies sales; sale of lawn furniture, farm equipment, and playground equipment; and similar outdoor businesses.
- D. Drive-in establishments including restaurants, financial institutions, dry cleaning businesses, and similar facilities.
- E. Automobile service stations minor and major.
- F. Funeral homes and mortuaries.
- G. Mini storage facilities.
- H. Hospitals and clinics.

- I. Churches and religious institutions, including housing for religious personnel affiliated with the church or religious institution.
 - J. Outdoor commercial recreation such as miniature golf courses and amusement parks, but excluding golf courses and country clubs. Accessory uses to the above permitted uses such as refreshment stands, retail shops selling items related to the above uses, maintenance buildings, offices for management functions, spectator seating and service areas, and locker rooms and rest rooms are permitted.
 - K. Private trade or commercial schools including, but not limited to dance studios, music and art schools, and voice schools.
 - L. Pet shop and sales.
 - M. Planned Unit Development.
- 4. Site Development Requirements:** The following minimum and maximum standards shall apply to all uses and structures in the General Business District unless otherwise modified by the provisions of Article 16, Specific Standards for Special Land Uses; Article 18, General Conditions; or as varied pursuant to Article 4, Zoning Board of Appeals.
- A. **Minimum Lot Area:** No minimum requirement.
 - B. **Minimum Lot Frontage and Lot Width:** No minimum requirement.
 - C. **Yard and Setback Requirements:**
 - 1. **Front Yard:** Twenty-five (25) feet for new structures. On U.S. 23 where the highway right-of-way is two hundred (200) feet or more in width, no minimum setback is required. If U.S 23 is widened in the area that has a two hundred (200) foot right-of-way so that the new paved edge is within twenty-five (25) feet of an existing structure, any replacement or expansion of such existing structure shall comply with the twenty-five (25) foot setback.
 - 2. **Side Yards:** No side yard is required along an interior side lot line, otherwise five (5) feet minimum per yard and a combined total of ten (10) feet, except that ten (10) feet shall be required on the street side of a corner lot or where a side yard abuts a residential zoning district.
 - 3. **Rear Yard:** Ten (10) feet.
 - D. **Maximum Height:** Two (2) stories but not to exceed thirty (30) feet.
 - E. **Maximum Lot Coverage:** No maximum requirement.
 - F. Applicable provisions of Article 19: Nonconforming Uses; Article 20: Access Control; Article 21: Off-Street Parking and Loading; Article 22: Signs; Article 23: Landscaping and Screening; Article 24: Environmental Standards, and other provisions of this Ordinance as may be applicable.

Section 12.03 C-3: WATERFRONT MIXED-USE DISTRICT

- 1. **Intent:** The Waterfront Business District is intended to accommodate commercial and residential land uses, which uniquely benefit from being situated along Lake Huron or the AuSable River due to the principal character or purpose of such uses, including short-term tourist lodging, marinas and other land uses, which encourage a healthy tourist economy, and create an all-season pedestrian-oriented commercial district along the AuSable River.

2. Uses Permitted By Right

- A. Single family residential homes subject to site development requirements of Section 11.05 R-4 RESIDENTIAL – TOURIST DISTRICT.
- B. Any generally recognized retail business, except a drive-in business, which supplies commodities on the premises within a completely enclosed building including, but not limited to, foods, drugs, liquor, furniture, clothing, dry goods, notions, books, flowers, jewelry or hardware.
- C. Personal service establishments, except drive-in businesses, which perform services on the premises within a completely enclosed building, such as, but not limited to, repair shops, barber and beauty shops, photographic studios, and dry cleaners.
- D. Office establishments, except drive-in businesses, which perform services on the premises including but not limited to; financial institutions, insurance offices, real estate offices, artist offices and galleries, professional offices for accountants, doctors, lawyers, engineers, and architects, and similar office uses.
- E. Theaters, assembly halls, concert halls, or similar places of assembly when conducted completely within an enclosed building, including private clubs and lodges.
- F. Offices and showrooms of plumbers, electricians, decorator, or similar trades in connection with which not more than twenty-five (25) percent of the floor area of the building or part of the building occupied by said establishment is used for making, assembling, remodeling, repairing, altering, finishing or refinishing its products or merchandise, and provided that the ground floor premises facing upon, and visible from any abutting street shall be used only for entrances, offices, or display.
- G. Standard restaurants, clubs, and other establishments which provide food or drink for consumption by persons seated within a building that is not part of a drive-in, and may also provide dancing and entertainment.
- H. Marinas.
- I. Boat and boat accessory sales, service and repair facilities, including engine and hull repair.
- J. Boat storage facilities.
- K. Standard restaurants.
- L. Hotels and motels.
- M. Retail business providing primarily boating and marina supplies including engines, fishing equipment and accessories, and commissary goods.
- N. Existing campgrounds, excluding expansion of such uses and facilities after the effective date of this Ordinance.
- O. Accessory uses and structures customarily incidental to and subordinate to the permitted principle use.
- P. Accessory uses and structures customarily incidental to and subordinate to the permitted principle use.

Special Land Uses Permitted By Special Approval Public parks. Applicable Standard is Public Facilities 16.24

- A. Boat fuel stations.

- B. Bed and Breakfasts.
 - C. Planned Unit Development.
 - D. Multi-Family housing
 - E. Other uses similar to the above uses provided the Planning Commission finds such use to be compatible with uses in the surrounding area
3. **Site Development Requirements:** The following minimum and maximum standards shall apply to all uses and structures in the Waterfront Business District unless otherwise modified by the provisions of Article 16, Standards for Special Land Uses; Article 18, General Conditions; or as varied pursuant to Article 4, Zoning Board of Appeals.
- A. **Minimum Lot Area:** No minimum requirement.
 - B. **Minimum Lot Frontage and Lot Width:** No minimum requirement.
 - C. **Yard and Setback Requirements:**
 - 1. **Front Yard:** Twenty-five (25) feet for new structures. On U.S. 23 where the highway right-of-way is two hundred (200) feet or more in width, no minimum setback is required. If U.S. 23 is widened in the area that has a two hundred (200) foot right-of-way so that the new paved edge is within twenty-five (25) feet of an existing structure, any replacement or expansion of such existing structure shall comply with the twenty-five (25) foot setback.
 - 2. **Side Yards:** No side yard is required along an interior side lot line, otherwise five (5) feet minimum per yard and a combined total of ten (10) feet, except that ten (10) feet shall be required on the street side of a corner lot or where a side yard abuts a residential zoning district.
 - 3. **Rear Yard:** Twenty (20) feet.
 - D. **Maximum Height:** Three (3) stories but not to exceed forty (40) feet.
 - E. **Maximum Lot Coverage:** No maximum requirement.

Applicable provisions of Article 19: Nonconforming Uses; Article 20: Access Control; Article 21: Off-Street Parking and Loading; Article 22: Signs; Article 23: Landscaping and Screening; Article 24: Environmental Standards, and other provisions of this Ordinance as may be applicable.

Article 13

INDUSTRIAL DISTRICTS

Section 13.01 I-1: INDUSTRIAL DISTRICT

1. **Intent:** It is the intent of the Industrial District to provide for a variety of manufacturing and other industrial uses that can be generally characterized as being of low intensity, including the absence of objectionable external affects such as noise and fumes. This district is also intended to accommodate commercial establishments not engaging primarily in retail sales. Such industrial areas should be free of incompatible uses, and designed to avoid negatively impacting adjacent conforming uses. The Industrial District is intended to implement the Industrial Area component of the Charter Township of AuSable Land Use Plan.

2. **Uses Permitted By Right:** The following are uses permitted by right when conducted in a permanent fully enclosed building or an area enclosed and screened from external visibility beyond the lot lines of the parcel upon which the use is located:
 - A. Tool and die manufacturing establishments.

 - B. Plastic molding and extrusion.

 - C. Central dry-cleaning establishments.

 - D. Monument and art stone production.

 - E. Printing and publishing.

 - F. Building material sales yard, including retail lumber yards and incidental millwork; storage facilities for building materials, sand, gravel, stone, lumber, and contractor's equipment; warehousing and wholesale establishments; storage and transfer establishments; distribution plants; parcel delivery service; and ice and cold storage plants.

 - G. Commercial uses not primarily involved in retail sales as a primary use, including but not limited to building material suppliers.

 - H. The manufacturing, compounding, processing and packaging of drugs, perfumes, pharmaceuticals, toiletries, and condiments.

 - I. The manufacturing, compounding, assembling or treatment of articles or merchandise from the following previously prepared materials: bone, cellophane, fur, glass, hair, horn, leather, paper, plastics, precious or semi-precious metals or stones, zinc and aluminum pressure die casting, shell, textiles, tobacco, wood, yarns, and paint not requiring a boiling process.

 - J. Assembly of electrical appliances, electronic instruments and devices, radios and phonographs, including the manufacture of small parts such as condensers, transformers, crystal holders, and the like.

 - K. Research offices and experimental, film or testing laboratories.

 - L. Public utility service yards, buildings, storage areas, and electrical receiving transforming station.

 - M. Painting, upholstering, rebuilding, conditioning, body and fender work, repairing, tire recapping or retreading, and battery manufacture.

 - N. Uses similar to the above uses provided the Planning Commission finds such use to be compatible with uses in the surrounding area.

- O. Accessory uses and structures customarily incidental to and subordinate to the permitted principal use.

3. Special Land Uses Permitted By Special Approval:

- A. Automobile salvage and junkyards.
- B. Communication towers.
- C. Retail uses requiring outdoor storage areas such as lumber yards, building materials outlets, upholstering and cabinet making, and outdoor mobile home and motor vehicle sales.
- D. Automobile and other machinery assembly plants.
- E. Metal plating, buffing, and polishing.
- F. Production, processing, cleaning, servicing, testing, repair, or storage of materials goods, or products.
- G. Any of the following uses provided that they shall be located not less than eight hundred (800) feet distant from any residential district and three hundred (300) feet distant from any other district: blast furnaces, steel furnaces, blooming and rolling mills; manufacturing of corrosive acid of alkali, cement, lime, gypsum, or similar materials; and smelting.
- H. Residential quarters for a caretaker/security personnel, provided it is clearly accessory to the principal use, does not occupy more than four hundred (400) square feet of space, and does not violate any setbacks.
- I. Private trade or commercial schools including, but not limited to dance studios, music and art schools, and voice schools.
- J. Adult entertainment facilities.
- K. Mini storage facilities.

4. Site Development Requirements: The following minimum and maximum standards shall apply to all uses and structures in the Industrial District unless otherwise modified by the provisions of Article 16, Standards for Special Land Uses; Article 18, General Conditions; or as varied pursuant to Article 4, Zoning Board of Appeals.

- A. **Minimum Lot Area:** No minimum requirement.
- B. **Minimum Lot Frontage and Lot Width:** No minimum requirement.
- C. **Yard and Setback Requirements:**
 - 1. **Front Yard:** Thirty (30) feet.
 - 2. **Side Yards:** Twenty (20) feet minimum for one (1) yard, and a minimum total of forty (40) feet for both yards, except that forty (40) feet shall be required on the street side of a corner lot or where a side yard abuts a residential zoning district.
 - 3. **Rear Yard:** Forty (40) feet.
- D. **Maximum Height:** Forty (40) feet.
- E. **Maximum Lot Coverage:** No maximum requirement.
- F. Applicable provisions of Article 19: Nonconforming Uses; Article 20: Access Control; Article 21: Off-Street Parking and Loading; Article 22: Signs; Article 23: Landscaping and Screening; Article 24: Environmental Standards, and other provisions of this Ordinance as may be applicable.

Article 14
Reserved for Future Use

Article 15
Reserved for Future Use

Article 16

SPECIAL LAND USE STANDARDS

The development and execution of this article is based upon the division of the Township into districts within which the uses of land and buildings and the bulk and location of buildings and structures in relation to the land are substantially uniform. It is recognized, however, that there are special uses which, because of their unique characteristics, cannot be properly classified in any particular district or districts without consideration, in each case, on the impact of those uses upon neighborhood land. These uses include uses entirely private in character, but of such nature that their operation may give rise to unique problems with respect to their impact upon neighboring property or public facilities.

Section 16.01 GENERAL PROVISIONS

1. **Initiation of Special Land Use:** Any person having a freehold interest in land, a possessory interest entitled to exclusive possession, or a contractual interest, which may become a freehold interest, and which is specifically enforceable, may file an application to use the land for one (1) or more of the special uses provided for in this section in the zoning district in which the land is located.
2. **Application of Special Land Use:** An application for special land use shall be filed with the Township on a form prescribed by the township. The application shall be accompanied by any plans or data prescribed by the department and shall include as a minimum the requirements for site plan review. The application shall also include a statement in writing by the applicant and adequate evidence showing that the proposed special land use will conform to the standards set forth in this section. The application shall also be accompanied with a fee to cover the expense of public hearing. The fee to be determined by resolution of the Township Board shall be based upon the cost of processing the review.
3. A public hearing in accord with Act 110 of 2006 shall be held (see Section 3.02).
4. A written statement of findings and conclusions relative to special land uses specifying the basis for the decision and any conditions being imposed shall be made as a part of the record.

Section 16.02 STANDARDS

1. No special land use shall be approved by the planning commission unless it shall find the following:
 - A. The establishment, maintenance, or operation of the special land use will not be detrimental to or endanger the public health, safety, or general welfare, or the natural environment.
 - B. The special land use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor shall it substantially diminish and impair property values within its neighborhood.
 - C. The establishment of the special land use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.
 - D. Adequate utilities, access roads, drainage, and necessary facilities have been or are being provided.
 - E. Adequate measures have been or will be taken to provide ingress or egress so designed as to minimize traffic congestion in the public streets.
 - F. The special land use shall, in all other respects, conform to the applicable regulations of the district in which it is located and to any additional conditions or procedures as specified in this or other ordinances of the Township.
2. **Conditions and Guarantees:** Prior to the granting of any special land use, the Planning Commission shall stipulate the conditions and restrictions upon the establishment, location, construction,

maintenance, and operations of the special land use as deemed necessary for the protection of the public interest and to secure compliance with the standards and requirements specified in this section. In all cases in which special land uses are granted, the Planning Commission shall require any evidence and guarantees as it may deem necessary as proof that the conditions stipulated in connection therewith are being and will be complied with. Any conditions imposed shall remain unchanged except upon the mutual consent of the Planning Commission and the landowner. The Planning Commission shall maintain a record of changes granted in the conditions.

3. **Effect of Denial of a Special Land Use:** No application for a special land use, which has been denied wholly or in part by the Planning Commission shall be resubmitted for a period of one (1) year from the date of the order of denial, except on the grounds of new evidence or proof of change of conditions found to be valid by the Planning Commission.
4. **Revocation:** In any case where a special land use has not been established within one (1) year after the date of granting authorization for the use, the special land use authorization shall automatically be null and void without further action by the Planning Commission.
5. **Revoke Special Land Use:** A special land use can be revoked by the Planning Commission, under the same procedure as the section used to approve it, if it is found that it no longer meets the standards of this ordinance.

Section 16.03 SPECIAL LAND USE DESIGNATED

The following are those uses identified as special land uses and the provisions or conditions that must be met so as to be approved in whole or conditionally.

Section 16.04 ADULT FOSTER CARE FACILITIES

1. The Following Site and Developmental Requirements Shall Apply:

- A. A state licensed adult foster care group home shall not be located within one thousand five hundred (1,500) feet of another similar state licensed facility.

2. Special Performance Standards:

- A. One (1) on-site parking space shall be provided for each employee in addition to the parking required for the dwelling unit. In the case of an adult foster care large group home; the driveway may not be used for this purpose.
- B. Adult foster care small group home property, including landscape and structural elements, shall be maintained in a manner that is consistent with the residential character of the neighborhood.
- C. Adult foster care large group homes 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.

Section 16.05 PRIVATE LANDING STRIPS

1. The Following Site and Developmental Requirements Shall Apply:

- A. Private landing strips shall be for use by the owner or lessee of the premises for the operation and maintenance of personal aircraft only and shall meet the following minimum standards:
 1. The landing strip shall be a minimum of one thousand two hundred (1,200) feet in length and shall be free of obstructions for a distance of fifty (50) feet to both sides of the landing strip, as measured from the centerline of the landing strip, and for a distance at each end of the landing strip to allow a clear approach slope of 20:1.
 2. Such landing strips shall be situated on a parcel of at least twenty (20) acres in size.

2. Special Performance Standards:

- A. Approval of landing strips for use by the owner or lessee of the premises for the operation and maintenance of personal aircraft only shall not be made prior to the submittal by the applicant of the Federal Aviation Authority's review of the proposed landing strip.

Section 16.06 AUTOMOBILE SERVICE AND REPAIR STATIONS

1. The Following Site and Developmental Requirements Shall Apply:

- A. For facilities with new underground storage tanks, the site shall be not less than three hundred (300) feet from any residential well, eight hundred (800) feet from a non-community public water well and two thousand (2,000) feet from any public water well.
- B. Ingress and egress to the facility shall be only from a paved major thoroughfare, or from a shared access drive to such roadway.
- C. No more than two (2) driveways onto a roadway shall be permitted per site. Curb openings for driveways shall not exceed fifty (50) feet and driveway widths shall not exceed thirty-five (35) feet. Driveways shall be separated by a minimum of twenty (20) feet of curbing.
- D. Curb openings shall be no closer than ten (10) feet to any adjoining lot line and shall be no closer than twenty (20) feet to an intersection, as measured from the right-of-way.
- E. The site shall be no less than two hundred (200) feet from any place of public assembly, including any hospital, sanitarium, school, church or other institution. Measurement shall be the closest distance between exterior lot lines.
- F. All buildings shall be set back not less than forty (40) feet from all street right-of-way lines.
- G. All gasoline pumps shall be located not less than fifteen (15) feet from any lot line or within thirty (30) feet from the street right-of-way and shall be arranged so that motor vehicles using them will not be parked on or overhanging any public sidewalk or street right-of-way.
- H. The site shall be a minimum of fourteen thousand (14,000) square feet in area and have a minimum of one hundred forty (140) feet of frontage on lots with two (2) streets the street designated as the major access side of the site shall have not less than one hundred (100) feet of street frontage.
- I. The entire area used for vehicle service shall be hard-surfaced and adequately drained.

2. Special Performance Standards:

- A. Hydraulic hoists, service pits, lubricating, greasing, washing, and repair equipment and operations shall be located within a completely enclosed structure.
- B. Storage of vehicles rendered inoperative for any reason, and vehicles without current license plates and registration, shall be limited to a period of not more than thirty (30) days and then only for the purpose of temporary storage pending transfer to another facility. Such storage shall not occur in front of the building.
- C. A car wash may be established as part of the principal structure or as a separate structure but shall conform to all setback requirements for a principal structure.

Section 16.07 BED AND BREAKFAST

1. The Following Site and Developmental Requirements Shall Apply:

- A. No bed and breakfast use shall be permitted within a platted subdivision or condominium development.
- B. One (1) off-street parking space per room to be rented shall be provided on site, in addition to the parking required for a single-family dwelling.

2. Special Performance Standards:

- A. The bed and breakfast facility must be a single-family dwelling, which is operated and occupied by the owner of the dwelling. The bed and breakfast facility may have up to six (6) bedrooms

used for transient guests for compensation and by prearrangement. Meals may be served to overnight guests only. Meals shall not be served to the public at large.

- B. The applicant shall provide a scaled floor plan of the premise as part of the special land use application.
- C. The exterior appearance of the structure shall not be altered from its single-family character.
- D. The impact of the bed and breakfast establishment on the neighborhood shall be no greater than that of a private home with weekend guests.
- E. Retail sales are not permitted beyond those activities serving overnight patrons.
- F. No receptions, private parties or activities for which a fee is paid shall be permitted.
- G. Exterior solid waste facilities beyond what might normally be expected for a single-family dwelling shall be prohibited.
- H. Rooms utilized for sleeping must be part of the primary residential structure and not have been specifically constructed or remodeled for rental purposes.
- I. No guest room shall be located in a basement or cellar unless that guest room is provided direct access to the outside by way of a door.
- J. Lavatories and bathing facilities shall be available to all persons using the premises.
- K. No separate or additional kitchen facilities shall be provided for the guests.

Section 16.08 CEMETERIES

1. The Following Site and Developmental Requirements Shall Apply:

- A. No more than five (5) percent of the site area may be occupied by buildings.
- B. All burial plots and all structures shall be set back no less than thirty (30) feet from any lot line or street right-of-way
- C. Parking shall be provided on the site, at least fifty (50) feet from any lot line, and no cemetery parking shall be permitted on any public street.

2. Special Performance Standards: All facilities for the ground burial area of the site shall be designed and constructed in accordance with the requirements of the Iosco County Health Department and the State of Michigan.

1. Section 16.09 COMMERCIAL STABLES The Following Site and Developmental Requirements Shall Apply:

- A. A minimum of five (5) acres must be provided for the first horse, and an additional one acre shall be provided for each additional horse.
- B. Stables shall provide off-street parking at a minimum of one (1) parking space per two (2) animals, based on the number of horse stalls or maximum number of horses that can be accommodated in the stable.
- C. Stables may not be located in platted subdivisions or condominium subdivisions.
- D. Animals shall be confined in a suitably fenced area or paddock to prevent their approaching nearer than fifty (50) feet to any dwelling on adjacent premises.
- E. Stables and piles of manure or feed shall not be located nearer than one hundred fifty (150) feet to any lot line.

- F. A vegetative strip of at least fifty (50) feet wide shall be maintained between any animal holding area, manure pile, or manure application area and any surface water or wellhead. In areas with slopes of over five (5) percent, the Planning Commission may increase setbacks in order to minimize runoff, prevent erosion, and promote quick nutrient absorption.
- G. Operations with 25 animals or more shall comply with Generally Accepted Agricultural and Management Practices (GAAMP) issued by the Michigan Department of Agriculture.

2. Special Performance Standards:

- A. All stables shall be operated in conformance with all applicable county, state and federal regulations.
- B. The facility shall be constructed and maintained so that dust and drainage from the stable will not create a nuisance or hazard to adjoining property or uses.
- C. Manure piles shall be stored, removed, and/or applied in accordance with Michigan Department of Agriculture and County Health Department regulations.
- D. Enclosed riding arenas associated with commercial stables shall not exceed fifteen thousand (15,000) square feet in gross floor area.
- E. No living quarters shall be located in any arena building.
- F. Special events for which a fee is paid, such as shows, exhibitions, and contests shall only be permitted after a temporary zoning permit has been secured.
- G. The Planning Commission may limit the number of horses and prescribe the manner of keeping the animals as necessary to prevent offensive odors, the pollution of water supplies, and/or the spread of infectious disease.

Section 16.10 COMMUNICATION TOWERS

1. The Following Site and Developmental Requirements Shall Apply:

- A. A minimum lot area of two (2) acres.
- B. The communication tower shall be located so that there is sufficient radius of clear land around the tower so that its collapse would be completely contained on the property.
- C. The base of the tower and wire/cable supports shall be fenced with a minimum five (5) foot high woven fence to prevent unauthorized access.

2. Special Performance Standards:

- A. All structures shall be located at least two hundred (200) feet from any single-family dwelling.
- B. Towers and antennas shall be painted to minimize off-site visibility.
- C. The applicant shall provide verification that the plans of the tower construction, including the antenna mount and structure, have been reviewed and approved by a professional engineer and that the installation is in compliance with all Federal Aviation Administration and Federal Communications Commission standards and all other applicable building codes and statutes.
- D. There shall be no employees located on the site on a permanent basis.
- E. No part of any tower or antenna shall be constructed, located or maintained at any time, permanently or temporarily, in or upon any required setback area for the district in which the antenna or tower is to be located.

- F. Metal towers shall be constructed of, or treated with, corrosive-resistant material. Wood poles shall be impregnated with rot-resistant substances.
- G. Towers shall be located so that they do not interfere with reception in nearby residential areas.
- H. Minimum spacing between tower locations shall be one-quarter (1/4) mile.
- I. Height of the tower shall not exceed two hundred (200) feet from grade.
- J. Towers shall not be artificially lighted unless required by the Federal Aviation Administration.
- K. There shall not be display advertising or identification of any kind intended to be visible from the ground or other structures.
- L. Structures shall be subject to any state and federal regulations concerning nonionizing electromagnetic radiation. If more restrictive state or federal standards are adopted in the future, the antenna shall be made to conform or the permit will be subject to revocation by the Township Board. Cost for testing and verification of compliance shall be borne by the operator of the antenna.
- M. Any antenna or tower that is not operated for a continuous period in twelve (12) months shall be considered abandoned, and the owner of such antenna or tower shall remove the same within ninety (90) days or receipt of written notice from the Zoning Administrator.
- N. Co-location on an existing tower or structure shall take precedence over construction of a new tower. No new tower shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the Planning Commission that no existing tower, structure, or alternate technology that does not require the use of a tower or structure can accommodate the proposed antenna.

Section 16.11 SHOOTING RANGES

1. The Following Site and Developmental Requirements Shall Apply:

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

2. Special Performance Standards:

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

Section 16.12 NURSING HOMES

1. The Following Site and Developmental Requirements Shall Apply:

- A. All ingress and egress for the site shall be from a paved minor or major thoroughfare.

B. No building shall be closer than fifty (50) feet to any lot line.

2. Special Performance Standards:

A. Parking areas shall not be located within fifty (50) feet of a residential district or use.

B. All facilities shall be licensed by the Michigan Department of Public Health and shall conform to applicable state and federal laws.

Section 16.13 CHURCHES AND RELIGIOUS INSTITUTIONS

1. The Following Site and Developmental Requirements Shall Apply:

A. All ingress and egress for the site shall be from a paved major or minor thoroughfare.

B. No more than twenty-five (25) percent of the site area shall be covered by buildings. No more than sixty (60) percent of the site shall be covered by impervious surface.

C. No building shall be closer than fifty (50) feet from any lot line or right-of-way.

D. No building shall be erected to a height greater than that permitted in the district in which it is located unless the building is set back an additional one (1) foot for each one (1) foot of additional height above the district height limitation. A spire is excluded.

2. Special Performance Standards:

A. Use of the structure shall not result in accrual of distributable profits, realization of private gain resulting from payment or compensation in excess of a reasonable and customary allowance for salary or other compensation for services rendered, or realization of any other form of private gain.

B. No day care center, private school, or other use requiring a special approval shall be allowed without a separately approved Zoning Permit for each use.

Section 16.14 DRIVE-IN ESTABLISHMENTS

1. The Following Site and Developmental Requirements Shall Apply:

A. All buildings shall be set back a minimum distance of sixty (60) feet from all street right of way lines.

2. Special Performance Standards:

A. The outdoor space used for parking and vehicular stacking shall be hard surfaced.

B. No drive shall be closer than seventy-five (75) feet to any other drive and the maximum number of driveways permitted is two (2).

Section 16.15 GROUP HOME DAY CARE FACILITIES

1. The Following Site and Developmental Requirements Shall Apply:

A. A group day care home shall not be located closer than one thousand five hundred (1,500) feet to any of the following facilities as measured along a street, road, or other public thoroughfare, excluding an alley:

1. Another licensed group day care home.

2. An adult foster care large group home licensed by the State of Michigan.

3. A facility offering substance abuse treatment and rehabilitation services to seven (7) or more people, which is licensed by the State of Michigan.

4. A community correction center, resident home, halfway house or other similar facility, which houses an inmate population under the jurisdiction of the Department of Corrections.

2. Special Performance Standards:

- A. All outdoor play areas shall be enclosed with fencing, a minimum of four (4) feet high.
- B. The property, including landscape and structural elements, shall be maintained in a manner that is consistent with the character of the neighborhood. A group day care home should not require exterior modifications to the dwelling nor should the front yard be the location of play equipment, except on a corner lot.
- C. One (1) identification sign shall be permitted. Such sign face shall not be greater than two (2) square feet, shall be mounted flush to a wall, made of a material that is compatible with the dwelling unit, and shall not be illuminated. Sign text shall be limited to the name of the facility and an address.
- D. At least one (1) off-street parking space shall be provided for each non-family employee of the group day care home in addition to the parking normally required for the residence. A driveway may be used for this purpose. An off-street drop-off area is to be provided with the capability to accommodate at least two (2) automobiles in addition to the parking required for non-family employees of the dwelling and the parking normally required for the residence.
- E. Hours of operation shall not exceed sixteen (16) hours in a twenty-four (24) hour period.

Section 16.16 VETERINARIAN CLINICS

1. The Following Site and Developmental Requirements Shall Apply:

- A. Buildings where animals are kept shall not be located nearer than one hundred (100) feet to any adjacent lot line in a residential zoning district, or to any adjacent building used by the general public.

2. Special Performance Standards:

- A. Uses permitted include medical treatment and examinations, retail sales, and boarding during medical treatment.
- B. All principal use activities shall be conducted within a totally enclosed main building. There shall be no storage or boarding of animals outside of the fully enclosed building.
- C. Animals receiving exercise shall be restrained by a leash and under the direct control and handling of staff personnel.
- D. An adequate, enclosed method of refuse storage and disposal shall be maintained so that no public nuisance shall be created at any time.

Section 16.17 KENNELS

1. The Following Site and Developmental Requirements Shall Apply:

- A. The lot area shall be at least five (5) acres in size and three hundred (300) feet in width.
- B. Kennels may not be located in a platted subdivision or condominium subdivision.
- C. Buildings where animals are kept, runs, and exercise areas shall not be located nearer than one hundred (100) feet to any adjacent lot line in a residential district or any adjacent building used by the general public. Runs and/or exercise areas, and buildings where the animals are maintained, shall be located in the rear yard only.

2. Special Performance Standards:

- A. All kennels shall be operated in conformance with all applicable county, state and federal regulations.
- B. All animals must be licensed and maintained in a healthful and careful manner.

- C. The main kennel building used to house the animals shall be insulated in such a manner that animal noises are minimized.
- D. Habitual barking or unusual noise from the kennel, which results in a nuisance to neighboring landowners or residents, is prohibited.
- E. Exercise yards, when provided for training or exercising, shall not be used between the hours of 10:00 pm until 7:00 am.
- F. Between the hours of 7:00 am until 10:00 pm animals shall be permitted in outdoor runs or pens. Animals shall be kept confined and not allowed to run at large on the property, except as part of supervised training.
- G. Dust and drainage from the kennel enclosure shall not create a nuisance or hazard to adjoining property or uses.
- H. The outside perimeter of the run and/or exercise area shall be enclosed by chain link or cyclone fencing at sufficient height or completely covered on sides and top to prohibit the escape of animals.
- I. The premises shall be kept in a clean and sanitary manner to prevent the accumulation of flies, the spread of disease or offensive odor.
- J. Animal odors shall not be detectable beyond the lot lines of the property in which the kennel is located.

Section 16.18 MINI STORAGE FACILITIES

1. The Following Site and Developmental Requirements Shall Apply:

- A. The facility shall have direct access to a paved major thoroughfare.
- B. The minimum lot or parcel size for mini storage facilities shall be two (2) acres and the minimum frontage shall be two hundred (200) feet.
- C. One (1) parking space shall be provided for each twenty (20) rental units within the buildings, and one (1) parking space shall be provided for each employee.
- D. There shall be a minimum of thirty-five (35) feet (forty-five (45) feet if the driveway is two-way) between warehouses for driveway, parking, and fire lane purposes. Where no parking is provided within the building separation areas, said building separation need only be twenty-five (25) feet. Traffic direction and parking shall be designated by signaling or painting.
- E. The lot area used for parking and access shall be provided with a permanent, durable, dustless surface and shall be graded and drained so as to dispose of all surface water.

2. Special Performance Standards:

- A. No retail, wholesale, fabrication, manufacturing, or service activities may be conducted from the storage units by the lessees.
- B. Not more than three thousand six hundred (3,600) square feet in total area shall be occupied or used by any single tenant.
- C. Storage spaces shall not contain more than four hundred (400) square feet each.
- D. Storage of goods shall be limited to personal property with no commercial distribution allowed and no operation, which requires the regular delivery or pick-up of goods in trucks in excess of a gross vehicle weight rating of ten thousand (10,000) pounds.

- E. All storage shall be within the enclosed building area. There shall be no outside storage or stockpiling.
- F. The exterior of mini-storage buildings shall be of finished quality and maintained so as not to be offensive to adjacent property or abutting streets.
- G. No storage of hazardous, toxic, or explosive materials shall be permitted at the facility. Signs shall be posted at the facility describing such limitations.

Section 16.19 PRIVATE SCHOOLS

1. The Following Site and Developmental Requirements Shall Apply:

- A. Ingress and egress to the site shall be only from a paved major thoroughfare.
- B. The minimum lot or parcel size shall be two (2) acres.
- C. Service areas and facilities, and outdoor recreation facilities, shall not be located within one hundred (100) feet of a residential district or use.
- D. Parking areas shall not be located within fifty (50) feet of a residential district or use.
- E. Student drop-off and vehicular turn-around facilities shall be provided on the site so that vehicles will not interfere with traffic.
- F. No parking shall be allowed within the minimum front yard setback of fifty (50) feet.
- G. All principal buildings, including multiple family dwellings, shall be no closer than seventy-five (75) feet from any lot line or right-of-way.

Section 16.20 MOTELS AND HOTELS

1. The Following Site and Developmental Requirements Shall Apply:

- A. Ingress and egress shall be only from a paved major or minor thoroughfare.
- B. The minimum lot or parcel area shall be one (1) acre and the minimum lot width and frontage shall be two hundred (200) feet.
- C. Units shall be rental units and shall not constitute permanent residential accommodations nor shall such units be converted to other than rental units unless such units meet the following requirements:
 - 1. Units shall meet the requirements of the R-5 Multiple Family District.
 - 2. All units shall meet the requirements of all township ordinances and county and state requirements for dwelling construction and occupancy.

Section 16.21 MULTIPLE FAMILY DEVELOPMENT

1. The Following Site and Developmental Requirements Shall Apply:

- A. Multiple family dwelling units shall be permitted at a density no greater than ten (10) units per acre.
- B. All developments for multiple family dwellings shall have direct access to a paved minor or major thoroughfare.
- C. The minimum lot or parcel area shall be two (2) acres and the minimum lot width and frontage shall be two hundred (200) feet.
- D. All dwellings shall be set back a minimum of fifty (50) feet from all lot lines.

2. Performance Standards:

- A. All streets and driveways in the development shall be constructed and maintained with an all weather road surface.
- B. No dwelling unit shall have its principal access more than one hundred fifty (150) feet from either an access drive or a public street, and the required off-street parking area.
- C. The distance between any two (2) residential structures, which occupy the same lot, shall be not less than thirty (30) feet, if both of the walls facing each other contain windows or other openings, and not less than twenty (20) feet for all other situations.
- D. There shall be provided easily accessible and usable open space in the development in an amount of ten (10) percent of the site area or five hundred (500) square feet per four (4) dwelling units, whichever is greater. Open space shall not include streets, roadways, or parking.
- E. All group off-street parking facilities shall be adequately lighted during hours of darkness.
- F. All interior project streets and roadways shall have a minimum pavement width of thirteen (13) feet for one-way streets, and twenty-four (24) feet for two-way streets. Ingress and egress to parking areas from a public street shall be not less than thirty (30) feet in width.
- G. Only the following land and/or building uses shall be permitted.
 - 1. Multiple family dwellings as defined in this Ordinance.
 - 2. One (1) office space for conducting the business of the development.
 - 3. Utility areas for laundry facilities and auxiliary storage for tenants.
 - 4. Recreation area such as community buildings, playgrounds, and open space for occupants.

Section 16.22 OPEN AIR BUSINESSES

1. The Following Site and Developmental Requirements Shall Apply:

- A. All buildings and areas used for loading and unloading shall be set back a minimum of fifty (50) feet from any lot line.
- B. Ingress and egress to the facility shall be only from a major thoroughfare, and shall be at a distance of at least sixty (60) feet from the intersection of two (2) streets, as measured from the right-of-way of the intersecting street.

2. Special Performance Standards:

- A. In the case of automobile sales:
 - 1. No vehicles, which are unlicensed and/or inoperative, shall be stored on the premises.
 - 2. All repair, assembly, disassembly or maintenance of vehicles shall occur within a closed building except minor maintenance, including tire replacement, adding oil and wiper replacement.
 - 3. There shall be no test-driving of vehicles on local residential streets. All areas subject to vehicular use shall be paved with a durable dust-free surface, with appropriate bumper-guards where needed.
- B. Storage or display of goods and materials shall not occur in the required yard setbacks.
- C. Christmas tree sales associated with nurseries need not comply with the requirements of Section 18.06(B)(3).

- D. The storage of any soil, fertilizer, or similar loosely packaged materials shall be sufficiently contained to prevent any adverse affect on adjacent properties, water bodies, wetlands and drainage ways.
- E. Outdoor Cafes: Cafes occupying public sidewalks or a public space may be permitted subject to the following:
 - 1. A site drawing showing a detailed plan of the outdoor café must be submitted to and approved by the Planning Commission.
 - 2. Plans for setting up the outdoor café must be approved to provide for the free passage of pedestrians along the sidewalks and by the police department to provide for traffic and pedestrian safety.
 - 3. The outdoor café must be part of a licensed restaurant and meet all the requirements of the department of health.
 - 4. Liability insurance and property damage coverage naming the Township, as an insured party, in an amount approved by the Township, must be provided before an outdoor café may be set up on any public space.
 - 5. Approval of the Township Board is required for the use of any public area or facility.

Section 16.23 PLANNED UNIT DEVELOPMENTS (See Article 17)

Section 16.24 PUBLIC FACILITIES

1. The Following Site and Developmental Requirements Shall Apply:

- A. No building or outdoor storage area shall be closer than fifty (50) feet to any property or street right-of-way line.
- B. Facilities shall provide off-street parking and passenger loading areas at least twenty-five (25) feet from residential lot lines.
- C. All parking areas shall be surfaced or so treated as to prevent any dust nuisance.
- D. All sports fields shall be a minimum of one hundred (100) feet from any lot line and two hundred (200) feet from any dwelling.

2. Special Performance Standards:

- A. All buildings shall be harmonious in appearance with the surrounding area and shall be similar in design and appearance to other buildings on the same development site.

Section 16.25 JUNKYARDS

1. The Following Site and Developmental Requirements Shall Apply:

- A. A solid fence, wall or earthen berm at least eight (8) feet in height shall be provided around all sides of the area used to store junk to screen said site from surrounding property. Such fence, wall or berm shall be of sound construction, painted or otherwise finished neatly and inconspicuously. Such fence, wall or berm shall be of permanent finish and construction.
- B. No portion of the enclosed area shall be located within two hundred (200) feet of residentially zoned properties, schools, day care facilities, churches, hospitals, and convalescent or nursing homes.
- C. Ingress and egress to the facility shall be only from a major thoroughfare. The Planning Commission may approve access to a minor thoroughfare if the Commission finds that such access point will further minimize impacts on other properties.

- D. The minimum lot or parcel size for junkyards shall be ten (10) acres and the minimum frontage and lot width shall be three hundred (300) feet.
- E. All enclosed areas shall be set back at least one hundred (100) feet from any lot line. Whenever the installation abuts a residential district, a buffer strip at least two hundred (200) feet in width shall be provided between the enclosed area and the adjoining district. Such strip shall contain plants, grass, and structural screens of a type approved by the Planning Commission.
- F. Adequate parking and unloading facilities shall be provided at the site so that no loaded vehicle at any time stands on a public right-of-way awaiting entrance to the site.
- G. The front yard shall be planted with trees, grass, and shrubs. The spacing and type of plant materials shall be consistent with the provisions of Section 23.04 of this Ordinance.

2. Special Performance Standards:

- A. All activities shall be confined within the enclosed area including any: storage of materials; stockpiling of materials; disassembly of materials, parts, and vehicles; and the storage or parking of all operative and inoperative vehicles. There shall be no stocking of material above the height of the fence, wall, or berm, except that moveable equipment used on the site may exceed that height. No equipment, material, signs, or lighting shall be used or stored outside the enclosed area.
- B. No open burning shall be permitted and all industrial processes involving the use of equipment for cutting, compressing, or packaging shall be conducted within a completely enclosed building.
- C. All roads, driveways, parking lots, and loading and unloading areas within any junk yard shall be paved, watered, or chemically treated so as to limit the nuisance caused by wind-borne dust on adjoining lots and public roads.
- D. The operation shall be licensed by the Michigan Secretary of State to sell used vehicle parts or tow non-operational vehicles.
- E. Any materials listed on the Michigan Critical Materials Register (gasoline and solvents) require secondary containment and a Pollution Incident Protection Plan filed with the Michigan Department of Natural Resources.

Section 16.26 OUTDOOR COMMERCIAL RECREATION

1. The Following Site and Developmental Requirements Shall Apply:

- A. The site shall be located on a paved minor or major thoroughfare.
- B. Minimum site area shall be:
 - 1. Three (3) acres for flea markets, batting cages, skateboard parks and mini-golf.
 - 2. Ten (10) acres for amphitheater, amusement parks, driving range, and campgrounds. Minimum lot width shall be six hundred (600) feet.
 - 3. Eighty (80) acres for a nine (9) hole course; one hundred sixty (160) acres for an eighteen (18) hole course.
 - 4. Twenty (20) acres for drive-in theaters, air gun and survival games, fairgrounds, recreational vehicle parks, travel trailer parks, go-cart racing, automobile and motorcycle tracks, and campgrounds, including youth camps, religious retreats, and hunting camps. Minimum lot width shall be six hundred (600) feet.
- C. No building or spectator seating facility shall be located within one hundred (100) feet of a lot line.
- D. Front, side and rear yards shall be at least eighty (80) feet. The first fifty (50) feet of such yards shall be kept free of off-street parking and shall be landscaped.

- E. A landscaped buffer zone shall be provided between parking and principal building areas and any adjacent residential development. Whenever parking areas are within sixty (60) feet adjacent to land zoned or used for residential purposes, a five (5) foot wall or greater shall be provided along the sides of the parking area adjacent to such residential land.
- F. The entire periphery of racetracks and drive-in theaters shall be enclosed with an obscuring screen fence at least eight (8) feet in height. Fences shall be of permanent finished construction, painted or otherwise finished neatly, attractively and inconspicuously.

2. Special Performance Standards for All Outdoor Commercial Recreation Facilities:

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

3. Special Performance Standards for Drive-In Theaters:

- A. Drive-in theater screens shall be so located as to be out of view from any major thoroughfare.

4. Special Performance Standards for Camping Facilities:

- A. Each campsite shall be set back from any right-of-way or lot line at least seventy (70) feet.
- B. A common use area shall be provided in the parcel at a rate of five hundred (500) square feet per campsite.
- C. There shall be no permanent storage of tents, campers, travel trailers or mobile home units in the development unless specifically permitted.
- D. At least one (1) public telephone shall be provided in the facility.
- E. 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.
- F. Each campsite shall have a picnic table and designated place for fires.

5. Special Performance Standards for Golf Courses and Country Clubs:

- A. Accessory uses may include: clubhouse/pro shop, managerial facilities, maintenance shed, toilets, lockers, standard restaurant and drinking establishments, tennis, racket sport, and swimming facilities.
- B. The clubhouse design is to be of a residential character.
- C. Major accessory uses such as a standard restaurant and bar shall be housed in a single building with the clubhouse. Minor accessory uses strictly related to the operation of the golf course itself, such as maintenance garage and pro shop or golf shop may be located in separate structures.
- D. There may be a maximum of two (2) identification signs. Each sign may have a maximum area of thirty (30) square feet. Both signs may be lighted but not be internally.
- E. Additional parking is required for accessory uses that may be allowed.
- F. All parking areas shall be surfaced or so treated as to prevent any dust nuisance.
- G. All principal or accessory buildings and parking areas shall be not less than two hundred (200) feet from any lot line; provided that where topographic conditions are such that buildings would be screened from view. The Planning Commission may modify this requirement.
- H. Access shall be so designed as to provide all ingress and egress directly onto or from a major or minor thoroughfare.
- I. The total lot area covered with principal and accessory buildings shall not exceed fifteen (15) percent.
- J. A golf driving range accessory to the principal use of the golf course is permitted provided the area devoted to this use shall maintain a seventy-five (75) foot front yard and a one hundred (100) foot side and rear yard setback. The area shall be buffered by natural vegetation and fencing to minimize the impact upon adjoining properties. In the consideration of golf driving ranges additional buffering conditions necessary to minimize the impact of possible safety threats from projectiles upon adjacent land uses may be imposed by the Planning Commission.
- K. A fifty (50) foot minimum undisturbed buffer zone between turf areas and natural water bodies, watercourses or wetlands must be maintained as part of a golf course. The buffer zone must contain natural vegetation and shall not be chemically treated.
- L. Water quality protective measures are required as follows:
 - 1. Maintenance of erosion control barriers during construction and until all ground cover is established.
 - 2. To the extent practicable, runoff must be directed to on-site holding/sedimentation ponds with a water quality control structure installed at the outlet prior to water discharge from the premises.
 - 3. At any time widespread or non-spot application of herbicide, insecticide, fungicide or rodenticide is to occur, notification signs must be posted at lot lines. The signs are to state the type and name of the chemical, date and time of application, and other appropriate information.
 - 4. All chemical applications must be by a Michigan Department of Agriculture Licensed Applicator.
 - 5. Chemicals shall meet the requirements of the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), the Environmental Protection Agency (EPA), and all appropriate state statutes and administrative directives.

Section 16.27 EXTRACTION OPERATIONS

1. The Following Site and Developmental Requirements Shall Apply:

- A. Minimum lot area of five (5) acres.
- B. Notwithstanding any other minimum yard sizes required by this Ordinance, extraction activities shall be set back the following minimum distance:
 - 1. One hundred (100) feet from the right-of-way of any public street, private road, or highway.
 - 2. One hundred fifty (150) feet from abutting residentially zoned property.
 - 3. One hundred (100) feet from commercial or industrial zoned abutting property.
- C. A perimeter landscape buffer zone (which may consist of naturally occurring vegetation) shall be provided, at a minimum, of fifty (50) feet in width.

2. Special Performance Standards:

- A. The extraction shall not be used for the disposal of foreign material without prior approval from appropriate local, county and state entities.
- B. No operation shall be conducted in a manner so as to raise or lower the water table on surrounding properties except as may be authorized by a Department of Environmental Quality permit.
- C. If, in the opinion of the Planning Commission, any extractive use operation might present a dangerous condition if left unprotected, the area involved in the use shall be enclosed by a chain link or similar fence.
- D. Any excavator shall be responsible for notifying the Michigan Department of State, Bureau of History when human remains and/or artifactual materials are discovered.
- E. All extractions shall use measures to substantially reduce the potential for erosion and limit the amount of sediment reaching surface waters.
- F. The extraction operations shall be graded in a fashion, which will not cause water to accumulate in stagnant pools.
- G. Air pollution, noise and vibrations shall be minimized from any effect upon adjacent properties by adequate soundproofed equipment and buildings designed to accomplish such minimization and by the proper use of berms, walls, and natural planting screens.
- H. Truck or heavy vehicle traffic related to extraction operations shall use major thoroughfares for access to the greatest extent feasible.
- I. Public streets within one thousand five hundred (1,500) feet of the exit of the extractive use site shall be kept reasonably clear of mud, dirt and debris from vehicles exiting the site.
- J. All permitted buildings, structures and stationary equipment associated with extraction activities shall be located a minimum of one hundred fifty (150) feet from all lot lines.
- K. All 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 excavating activity will damage the reclaimed areas. No extraction work can extend more than five (5) acres in area until reclamation of the previously excavated five (5) acre area is satisfactorily completed or underway. Excavated areas shall be reclaimed pursuant to a phasing plan approved by the Planning Commission and shall comply with the following standards:

1. Vegetation shall be restored by the appropriate seeding of grasses, or the planting of trees and shrubs, to establish a permanent vegetative cover on the land surface to minimize erosion.
 2. When extraction operations are completed, the excavated area shall be graded so that no gradients in disturbed earth are steeper than a slope of 3:1 (horizontal-vertical).
 3. A layer of arable topsoil shall be spread over the excavated area, except exposed rock surfaces or areas lying below natural water level in accordance with the approved reclamation plan.
 4. Extraction, which has created or extended lakes, ponds or other bodies of water, shall meet standards and specifications (particularly with respect to underwater slopes and drop-offs) promulgated by the U.S. Department of Agriculture, Natural Resources Conservation Service, and shall be approved by that agency.
 5. Where extraction operations result in a body of water, the owner or operator shall place appropriate "Keep Out-Danger" signs around said premises not more than one hundred fifty (150) feet apart.
 6. Backfill and grading materials shall not be noxious, flammable or toxic.
 7. Fill and soils shall not be overly compacted and of sufficient quality to be well drained, non-swelling. If the reuse plan involves development of dwellings or other buildings, fill and soils shall be of proper bearing capacity to support foundations and septic systems.
 8. 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 reclamation goals. Said structures shall be accurately depicted upon the approved reclamation plan.
 9. If the reuse plan involves a recreational or wildlife facility, reclamation plans shall be reviewed by recreation, fisheries and wildlife specialists in the Michigan Department of Natural Resources.
- L. The excavator may be required to post an acceptable performance bond pursuant to Section 3.06 of this Ordinance in the amount up to one hundred (100) percent of the estimated reclamation costs for each five (5) acres of land to be disturbed or excavated or fraction thereof. Extraction activities shall not be initiated on any location of the site until such performance bond or letter of credit has been posted for that area of the site.
- M. Trees and other vegetation or ground cover shall not be prematurely stripped off the surface of the ground so as to unnecessarily expose areas of ground that are prone to wind or water erosion that will cause ground or dust to be carried by wind or water onto adjoining or surrounding properties, or onto public or private roads, or to create a nuisance.
- N. The hours of operation shall be set by the Planning Commission after consideration of the surrounding land uses and the particular traffic patterns on public haul routes in the area. The maximum range of hours is Monday through Saturday from 7:00 am to 7:00 pm and shall be prohibited on legal holidays and Sundays. The zoning administrator may provide temporary exemptions from hours of operation for an operator who must repair equipment or for public emergencies.
- 3. Additional Materials to be Submitted for Special Land Use Review:** In addition to the data requirements of Section 6.03, each application shall be accompanied by plans, drawings, and information prepared by appropriate registered professionals depicting, at a minimum:
- A. Name and address of surface owner and/or mineral rights owner of land from which extraction activities will take place.

- B. Name, address and telephone number of operator (person, firm or corporation who will be conducting the actual extraction).
 - C. Location, size and legal description of the total site area to be excavated. Include legend showing a north point, scale and date.
 - D. Location, width and grade of all easements or rights-of-way on or abutting the area subject to extraction.
 - E. A statement from the applicant identifying all other federal, state and local permits required, if any.
 - F. Proof of liability insurance from the operator.
 - G. Notification of any deed restrictions on the property.
 - H. Provisions for buffer zone, landscaping and screening.
 - I. A description of the proposed method of extraction, including:
 - 1. The area and amount of material to be excavated in cubic yards.
 - 2. Proposed side slopes and depths for all portions of the excavated area.
 - 3. Proposed drainage system, settling ponds and retention ponds, as appropriate.
 - 4. The time, duration, phasing and proposed work schedule of the total project.
 - 5. The proposed location of any buildings, storage areas, stockpiling areas, and sorting or crushing equipment as appropriate.
 - 6. Area from which extraction will take place in the first year of operation and likewise for each successive year to completion.
 - J. The proposed location of access points to the site and proposed haul routes for disposal of excavated material.
 - K. A detailed reclamation plan, drawn to an acceptable scale, and program to be performed upon completion of each phase of the project. At a minimum, the plan of reclamation shall include:
 - 1. Physical descriptions of the location of each cell, number of acres included in each cell, estimated length of time to complete each cell in extraction.
 - 2. Depiction of finished, stabilized, side slopes, including methods and plant materials proposed for use.
 - 3. Landscape plan for the portion of the property disturbed by extraction and associated activities, including an inventory of plant/tree species to be used.
 - 4. A reuse plan for the site once extraction is complete.
 - L. Site plan and associated background reports shall document the method of compliance with the performance standards of this section.
4. **Other Conditions:** The conditions of any Zoning permit issued under this section apply not only to the owner but also to the operator who is either an owner or lessee of mineral rights or any other person engaged in or preparing to engage in extraction.
- A. When an operator disposes of his interest in extraction area prior to final reclamation by sale, lease, assignment, termination of lease, or otherwise, the Zoning Administrator may release the

operator from the duties imposed upon him by this Ordinance as to the operations, but only if the successor, operator or owner assumes the obligations of the former operator with reference to the reclamation activities. At that time the Zoning permit may be transferred.

- B. Extraction operations authorized by the zoning permit shall be inspected with reasonable frequency to determine compliance with this Ordinance and permits issued pursuant to this Ordinance.
 - C. The general site plan may be modified at any time by mutual consent of the operator and the Planning Commission to adjust to changed conditions, technology or to correct an oversight. The Planning Commission shall solicit comment from the Township Board on any modifications.
 - D. When activities on or use of the area subjected to extraction, or any portion thereof, have ceased for more than one (1) year, the operation shall be considered abandoned and a new permit necessary before additional extraction activities can occur. Cessation may be determined by any of the following events:
 - 1. The completion of the extraction.
 - 2. The Township determines that no substantial work has occurred on the site for more than one (1) year.
 - 3. The Township has received notification from the owner that operations are complete.
 - 4. A zoning permit for the extraction has expired.
5. **Existing Extraction Areas:** All extraction activities existing on the effective date of this Ordinance shall be subject to the regulations above with regard to future operations. For the purposes of this Section, future operations shall be interpreted to mean any extraction activities, which are not permitted according to the originally issued permit for the extraction operation, including expansion into areas of the site not covered by a Township issued permit validly in place at the effective date of this Ordinance, and shall require special approval.

Section 16.28 PRIVATE STABLES

A. The Following Site and Developmental Requirements Shall Apply:

- A. The minimum lot size shall be five (5) acres for the first horse, and an additional two (2) acres of lot area shall be provided for each horse thereafter.
- B. Animals shall not be stabled, confined or tethered in a front yard.
- C. Animals shall be confined in a suitable fenced area, or paddock, to preclude their approaching nearer than sixty (60) feet to any adjacent property line.
- D. The applicant shall, within six (6) months of approval of stabling horses, construct a utility building of sufficient size to house said animal(s). The building must have a concrete floor of a minimum four (4) inches thick for sanitation purposes and be located a minimum of sixty (60) feet from any lot line.
- E. Operations with 25 animals or more shall comply with Generally Accepted Agricultural and Management Practices (GAAMP) issued by the Michigan Department of Agriculture.

B. Special Performance Standards:

- A. The facility shall be so constructed and maintained that odor, dust, noise or drainage shall not constitute a nuisance or hazard to adjoining premises. Manure piles shall be stored, removed, and/or applied to the soil in accordance with Michigan Department of Agriculture and County Health Department regulations.
- B. Foals born on parcels where horses are presently kept may be kept on said parcel for two (2) years even though such additional horses may increase the number of horses on such parcel

beyond the acreage limitation, but in no case shall there be more than one (1) horse and one (1) foal per four (4) acres.

- C. The applicant must produce for the Planning Commission a petition with the signatures of one hundred (100) percent of adjoining property owners and sixty (60) percent of the property owners within three hundred (300) feet showing support for the request for a private stable.
- D. Private stables shall only house horses owned by the occupant of the dwelling unit.
- E. No living quarters shall be located in any stable.
- F. A permit for a private stable shall terminate after one (1) year from the time the private stable stops operating as such. No private stable, which discontinues operating, as a stable for more than one (1) year shall renew such stabling activities until a new permit is issued.

Section 16.29 ADULT ENTERTAINMENT FACILITIES

Adult entertainment facilities may be permitted provided the conditions below are met and such other conditions as may be required by the Township to protect adjacent uses and residential neighborhoods are met.

- A. No adult entertainment facility shall be permitted within six hundred (600) feet of a church, park, or a public or private school property.
- B. No adult entertainment facility shall be permitted within six hundred (600) feet of a residence or a district zoned for residential use.
- C. In determining the distance limitation in A and B above measurement shall be made from the boundary of the church, park, or school property on a straight line to the bounding of the property of the adult entertainment facility. Measurement shall be made from the boundary of a residence or residential district on a straight line to the bounding of the property of the adult entertainment facility.

Section 16.30 PET SHOP AND SALES

1. The Following Site and Development Requirements Shall Apply:

- A. All pets shall be located and cared for in a totally enclosed building.
- B. Off-street parking as required for retail stores, Section 21.03.B.17 shall apply.

2. Special Performance Standards:

- A. No continuous noise level higher than forty-five (45) decibels shall be allowed that is discernable outside the building.
- B. All odiferous refuse shall be kept in sealed containers and shall be disposed of in a timely manner.

SECTION 16.31 ACCESSORY DWELLING UNIT

1. Accessory Dwelling Unit Permit Required

- A. An accessory dwelling unit, also known as “granny flat”, requires a Special Land Use Permit obtained under the provisions of **Article 7 Procedures for Special Land Uses** of this Ordinance.

2. Development Standard

- A. Notwithstanding any other provision of this code, an accessory dwelling unit is allowed on single-family residentially zoned lots in the township subject to the following standards:

1. All construction must conform to the height, setback, lot coverage, parking, and other requirements for residential construction in the zone in which the accessory dwelling unit is located in this Ordinance.
 2. No more than one accessory dwelling unit is permitted on a lot.
 3. The property owner must occupy either the principal structure or the accessory dwelling unit.
 4. A minimum parcel size of seven thousand two hundred (7,200) square feet is required to permit an accessory dwelling unit.
 5. The accessory dwelling unit must have a minimum living area of four hundred fifty (450) square feet and must not exceed forty (40)% of the size of the principal structure.
 6. Parking requirements of accessory dwelling unit:
 - a. Must include an additional two (2) parking spaces.
 - b. Parking spaces shall adhere to applicable provisions in this Ordinance, **SEE Article 21 Off-Street Parking and Loading** of this Ordinance.
- B. Accessory dwelling units are prohibited on multi-family zoned lots.
- C. The accessory dwelling unit must comply with all applicable building, health and safety, and other township codes and ordinances.
- D. The following design criteria applies to accessory dwelling units:
1. May include a separate entrance and shall contain living, sleeping, bathroom, and principal kitchen facilities as per the definition of “dwelling unit” as defined in this Zoning Ordinance in **Definitions: Section 2.02** of this Ordinance.
 2. If a separate exterior entrance exists for an attached accessory dwelling unit then it shall be from the side or rear of the principal structure.
 3. Shall not have separate utility services.
 4. Shall not have a separate address or house number.
 5. Shall be coordinated as to scale, building form, height, exterior materials, color and landscaping of the principal structure.
 6. Shall not create or increase a nonconforming use or structure.
- E. The number of occupants of the accessory dwelling unit is limited to two (2), of which one occupant must be “family” as defined by this Zoning Ordinance in **Definitions: Section 2.02** of this Ordinance.
- F. The total number of household pets for the combined principal structure and the accessory dwelling unit will not exceed the total allowable for the principal structure as defined in **Section 18.25 Keeping of Animals** of this Ordinance.
- G. The property owner requesting a special use permit for an accessory dwelling unit shall execute and record a deed restriction to be reviewed and approved by the Township Attorney. The separate sale or rental of the accessory dwelling unit is prohibited.
- H. A special use permit for an accessory dwelling unit must insure that the land use or activity authorized shall be compatible with adjacent land uses, the natural environment, and the capacities of public services and facilities affected by the land uses, in accordance with in **Article 7 Procedures for Special Land Uses** of this Ordinance.

Section 16.33 HOME OCCUPATIONS NOT PERMITTED BY RIGHT

Home occupations not specifically permitted by right or specifically prohibited per section 11.01 may be permitted in all residential districts as a special land use under the following procedures and conditions and subject further to all conditions specified in Section 11.01.2.E. of this Ordinance.

- A. The exterior appearance of the structure shall not be altered or the occupations within the residence conducted in a manner, which would cause the premises to differ from its residential character either by the use of colors, materials, construction, lighting, signs, or the emission of sounds, noises or vibrations.
- B. No more than one person other than members of the immediate family occupying the dwelling shall be employed by the home occupation.
- C. The occupations shall occupy no more than twenty-five (25) percent of the floor area of the dwelling, or fifty (50) percent of a detached garage.
- D. There shall be no outside storage of any kind related to any home occupation.
- E. The use may not increase vehicular traffic flow and off-street parking as set forth in the off-street parking regulations in Article 21 of this Ordinance.
- F. Mechanical or electrical equipment employed by the home occupations shall be comparable to the machinery or equipment customarily found in the home associated with a hobby or avocation.
- G. Only one (1) nameplate shall be allowed, in accordance with the sign regulations at one hundred forty-four (144) square inches. It may display the name of the home occupations, for example, John Doe, Realtor, and must be attached to the principal building.
- H. No use shall create noise, dust, vibration, smell, smoke, glare, electrical interference, fire hazard or nuisance to any greater or more frequent extent than that usually experienced in an average residential occupancy in the district in question under normal circumstances wherein no home occupation exists.
- I. Use of any vehicle other than a passenger vehicle in connection with a home occupation shall be parked within a garage.

Article 17

PLANNED UNIT DEVELOPMENT

Planned Unit Development is intended to permit the private or public development or redevelopment of areas throughout the Township which shall be substantially in accord with the goals and objectives of the Charter Township of AuSable Master Plan in providing for a balanced land use pattern for homes, businesses, industry, community facilities and services. The land use patterns of the areas involved shall provide a desirable environment and shall be harmonious to the general surrounding uses permitting flexibility in overall development while ensuring adequate safeguards and standards for public health, safety, convenience and general welfare. It is further the intent of this district to provide for development, which will be carried out in such manner as to preserve natural features such as waterfront areas and their accessibility to the public and to promote energy efficient development. Such Planned Unit Development may embrace a mixture of one (1) or more uses or zoning categories all in accord with the Charter Township of AuSable Master Plan.

Section 17.01 PROCEDURE FOR APPLICATION

Application shall be made to the Township Board under this district. (see Township Fee Schedule and Escrow Policy in Appendix A). The person applying shall be required to make a submittal of the following material for review.

- A. A property area survey of the exact area being requested (scale: one (1) inch equals one hundred (100) feet).
- B. A proof of ownership of land where land is being requested for rezoning.
- C. A topography map of the entire area at a contour interval showing one (1) foot changes in elevation. This map shall indicate all natural and man-made features (scale: one (1) inch equals one hundred (100) feet).
- D. A preliminary plan of the entire area carried out in such detail as to show the land use being requested, the business area, industrial buildings and uses, the housing densities being proposed where applicable, the system of collector streets, and off-street parking system.
- E. A written statement explaining in detail the full intent of the sponsor indicating the specifics of the development plan as it related to the type of dwelling units contemplated and resultant population; the extent of nonresidential development and the resultant traffic generated and parking demands create; and providing supporting documentation such as but not limited to: market studies, supporting land use request, and the intended scheduling of development.

Section 17.02 STAGE I PRELIMINARY SITE PLAN

The preliminary site plan shall be reviewed by the Planning Commission and by other Township agencies or consultants to the Township as may be deemed necessary to provide guidance to the Planning Commission and the Township Board in their review of the project.

In reviewing the preliminary site plan, the following procedures and conditions shall be followed:

- A. In an area considered for Planned Unit Development, no development shall take place therein nor use made of any part thereof except in accordance with the site plan as originally approved, or in accordance with an approved amendment thereto.
- B. The proposed Planned Unit Development shall be of such area as to represent a sound carrying out of the master plan of land use.
- C. The preliminary site plan shall be reviewed and a report with recommendation shall be made by the Planning Commission to the Township Board relative to the plans meeting the intent and the requirements of the Master Plan and the requirements of the zoning ordinance or modifications to

such requirements as may be necessary to accomplish a desirable development which meets the objective of the Master Plan.

- D. Recommendation by the Planning Commission shall be given only after public hearing. Such hearing shall be carried out in accord with requirements of Public Act 110 of 2006 and Public Notice Section 3.02 of this ordinance.
- E. Approval of the preliminary plan by the Township Board shall not constitute approval of the final site plan. It shall be deemed as approval of the land use plan submitted and shall serve as a guide in the preparation of the final plan.
- F. Acceptance of the preliminary site plan by the Township Board shall be effective for a period of two (2) years.

Section 17.03 STAGE II FINAL SITE PLAN

The final site plan shall be reviewed by the Planning Commission and by other Township agencies or consultants to the Township as may be deemed necessary to provide guidance to the Planning Commission and the Township Board in review of the project.

In reviewing the final site plan, the following conditions shall be followed:

- A. A presentation of the final site plan shall be made to the Township Board. Prior to action by the Township Board, the final site plan shall be forwarded to the Planning Commission for review and recommendation.
- B. A final overall site plan for the entire area being requested under this Planned Unit Development shall be submitted. This plan shall be worked out in detail showing specific uses, building location, off street parking; street alignment changes, open spaces and other physical plan details being proposed. Supporting documentation in the form of building floor plans, building elevation drawings, type of building material and schedule of construction shall be submitted.
- C. The final plan shall reflect and adhere to those use patterns as approved in the preliminary plan. Standards for building, height, bulk, setbacks from public streets and the waterfront, and off-street parking shall be equal to at least the minimum standards set forth for like uses in the schedule of regulations and off street parking requirements of this ordinance provided the Planning Commission and Township Board may modify these standards where the objectives of the Master Plan can be proved to be better served by such modifications. In no instance shall buildings be located closer than one hundred (100) feet to the waterfront unless good cause can be shown that buildings located closer than one hundred (100) feet will provide site amenities which will be beneficial to the overall development and to the Township as a whole. In those instances where mixed uses utilize a Planned Unit Development, the Planning Commission may vary setback and height requirements to accomplish a desirable Planned Unit Development.

Section 17.04 STAGE II FINAL SITE PLAN: APPROVAL OF SITE PLAN

In reviewing and approving the final plan, the following conditions shall be set forth:

- A. Approval of the final site plan (Stage II) may be granted by the Township Board after review and recommendation is made by the Planning Commission. Public hearing shall not be required on the Stage II site plan, but a resolution of the Township Board determining that such Stage II site plan is in compliance with the Planned Unit Development representations made at the time of approval of a Stage I site plan, and also the requirements set forth in Section 17.05 which follows. Final approvals may be granted in stages provided such stages are in keeping with previously approved preliminary site plans.
- B. All dedications of public rights-of-way or planned public open spaces shall be made prior to any construction taking place on the site.

- C. Upon issuance of a certificate of site plan approval the site plan, building elevations and other development proposals including the proposed uses, shall become integral for purposes of recordation, shall be referred to as "Planned Unit Development No. _____" which number shall be recorded on the appropriate properties of the city zoning map. All approved plans shall be filed with the Township Clerk.
- D. Approval of the final site plan shall be effective for a period of three (3) years; providing that development is commenced within one (1) year, as evidenced, at a minimum, by issuance of a building permit. If development is not commenced within one (1) year or not completed within three (3) years, the Planning Commission shall review progress to date and make a recommendation to the Township Board as to action relative to permitting continuation under original approval.
- E. Applicable provisions: **Article 6: Procedures for Site Plan Review, Article 7: Procedures for Special Land Uses, Article 18: General Provisions, Article 20: Access Control, Article 22: Signs, Article 23: Landscaping and Screening, Article 24: Environmental Standards.**

Section 17.05 REQUIRED CONDITIONS

Before approving the plan in either the preliminary Stage I site plan or final Stage II site plan submittal, the Planning Commission and the Township Board shall determine that:

- A. The uses permitted in this district shall be those designated on the Master Plan and to such corresponding zoning district uses and shall meet the requirements of the Schedule of Regulations Section 9.10 unless otherwise modified in keeping with the intent of this section and provided such modifications meet such other requirements set forth by the Township Board to accomplish the overall intent of the Planned Unit Development.
- B. Provisions, satisfactory to the Township Board have been made to provide for the financing of any improvements shown on the plan for open spaces and common use areas which are to be provided by the applicant, and that maintenance of such improvements is assured by a means satisfactory to the Township Board. Such assurance may include bonding or other suitable guarantee of performance.
- C. The cost of installing all streets, necessary utilities and site amenities has been assured by a means satisfactory to the Township Board.
- D. The final plan of each project area of the approved plan is in conformity with the overall approved plan. Any changes or amendments requested shall suspend approval of the overall plan until such changes or amendments have been reviewed and approved as in the instance of the first submittal, it being the intent of this section that no other administrative or board of appeals action shall constitute official approval of such changes or amendments to the overall plan. Denial by the Township Board of any requested changes or amendments shall not void the originally approved plan.
- E. A change of occupancy, a change in type of use, or the alteration of a building in a previously approved Planned Unit Development shall require the review of the Zoning Administrator. The Zoning Administrator may request a review by the Planning Commission where a question arises relative to whether such change falls within the intent of the previously approved Planned Unit Development.
- F. Fees for review of plans and for services required to supplement Township staff as may be required to provide background for decisions of the Planning Commission and the Township Board shall be established by resolution of the Township Board.

Article 18

GENERAL PROVISIONS

Section 18.01 INTENT AND PURPOSE

The intent of this Article is to recognize that there are certain conditions concerning land uses that warrant specific exceptions, regulations or standards in addition to the requirements of the zoning district in which they are permitted to be located. The following general provisions establish regulations, which are applicable to all zoning districts unless otherwise indicated.

Section 18.02 KEEPING OF ANIMALS

- A. **Wild Animals:** No wild animal shall be kept permanently or temporarily in any district in the Township accept in an AAZPA (American Association of Zoologies, Parks and Aquariums) accredited facility.
- B. **Livestock:** The raising and keeping of livestock or other animals generally not regarded as household pets, and which do not meet this Ordinance's definition for "wild animal," may be conducted as accessory to the principal residential use of a lot of five (5) acres or larger in the Natural Resources District except in platted subdivisions or condominium subdivisions. All such raising and keeping or killing and dressing of poultry and animals processed upon the premises shall be for the use or consumption by the occupants of the premises in the Natural Resources District and the following additional conditions shall be met:
1. Animals shall be owned and managed by the occupants of the premises.
 2. The occupants of the premises shall keep the odor, sounds and movement of the animals from becoming a nuisance to adjacent properties.
 3. No storage of manure, odor or dust producing materials or use shall be permitted within one hundred (100) feet of any adjoining lot line.
 4. Animal density shall not exceed 1.4 animal units per acre.
 5. Operations with 25 animals or more shall comply with Generally Accepted Agricultural and Management Practices (GAAMP) issued by the Michigan Department of Agriculture.
- C. **Household Pets:**
1. The keeping of household pets, including dogs, cats, fish, birds, hamsters and other animals generally regarded as household pets is permitted as an accessory use in any residential zoning district provided such activities do not constitute a kennel. At no time shall a total of more than three (3) domestic dogs or cats over six (6) months of age be kept on the same residentially zoned lot or premises.
 2. Dog runs and pens are restricted to the back yard and must be ten (10) feet from all lot lines. Fencing shall comply with all requirements in **Section 23.09 Fencing, Walls and Retaining Walls** of this ordinance.

Section 18.03 ESSENTIAL SERVICES

Essential services shall be permitted as authorized and regulated by law and other ordinances of the Township, it being the intention hereof to exempt such essential services from the application of this Ordinance, except public facilities and communication towers separately regulated by Article 16: Special Land Use Standards.

Section 18.04 SWIMMING POOLS

1. **Classification:** A swimming pool shall be considered as an accessory building for the purposes of determining required yard spaces and maximum lot coverage.
2. **Application:** The application for a zoning permit to erect a swimming pool shall include the name of the owner, the manner of supervision of the pool, a plot plan and location of adjacent buildings, fencing, gates, and other detailed information affecting construction and safety measures deemed necessary by the Zoning Administrator.
3. **Fencing:** Yard areas with pools are to be fenced to discourage unsupervised access.
 - A. Such fencing is to be a minimum of six (6) feet high, and equipped with a self-closing and self-latching gate.
 - B. Latching devices are to be located at a minimum height of four (4) feet above the ground.
 - C. Such fencing may be omitted where building walls without doorways abut the pool area, provided that the entire remaining perimeter of the pool area is fenced.
1. **Sanitation:** Any swimming pool shall not be used unless adequate public health measures are periodically taken to insure that the use thereof will not cause the spread of disease. The swimming pool shall be kept clean and the water used there shall be filtered and sterilized. Owners shall comply with State and County Health Department standards.
4. **Placement:** No swimming pool shall be located in an easement or required front yard.
5. **Lighting:** No lights shall be erected, operated or maintained in connection with a swimming pool in such a manner as to create an annoyance to surrounding properties.
6. **Overhead Wiring:** Service drop conductors and any other overhead wiring shall not be installed above a swimming pool.

Section 18.05 MOVING BUILDINGS

No existing building or other structure within or outside of the Township shall be relocated upon any parcel or lot within the Township unless the building design and construction are compatible with the general architectural character, design and construction of other structures located in the immediate area of the proposed site; the building and all materials therein are approved by the Township Building Inspector; and the building or structure can be located upon the parcel and conform to all other requirements of the respective zoning district.

Section 18.06 TEMPORARY USES AND NONRESIDENTIAL BUILDINGS AND STRUCTURES

Temporary uses and nonresidential buildings and structures may be located on a lot or parcel of record and occupied only under the following conditions as authorized by a temporary zoning permit issued by the Zoning Administrator:

A. Application, Permit, and Conditions:

1. **Application:** The applicant shall submit a completed application to the Zoning Administrator who may approve, modify, condition, or deny the permit. Action on the application shall be based upon the approval standards of Section 18.06(A)(2). The Zoning Administrator may refer the application to the Planning Commission for action.
2. **Standards of Application Approval:**
 - a. The nature and intensity of the temporary use and the size and placement of any temporary structure shall be planned so that the temporary use or structure will be compatible with existing development.
 - b. The use shall not be typically located within a permanent building or structure.

- c. The parcel shall be of sufficient size to adequately accommodate the temporary use or structure.
- d. The location of the temporary use or structure shall be such that adverse effects on surrounding properties will be minimal, particularly regarding the traffic generated by the temporary use or structure.
- e. Off-street parking areas are of adequate size for the particular temporary use or structure and properly located and the entrance and exit drives are laid out so as to prevent traffic hazards and nuisances.
- f. Any lighting shall be directed and controlled so as to not create a nuisance to neighboring property owners.
- g. All applicable provisions of Section 18.06(B) have been met.

3. Permits:

- a. The Zoning Administrator may impose conditions with the issuance of the permit, which are designed to insure compliance with the requirements of this Ordinance.
- b. A written temporary zoning permit will be issued for all approved temporary uses and nonresidential buildings and structures, and shall contain the following information:
 - 2. The applicant's name.
 - 3. The location and effective dates of the temporary use.
 - 4. Conditions specified by which the permit was issued, such as use and placement of signs, provision for security and safety measures, control of nuisance factors, and submission of performance guarantee.
 - 5. Signature of the Zoning Administrator on the permit.
- c. The Zoning Administrator may revoke a permit at any time for nonconformance with the requirements of this section and a permit issued thereunder.
- d. Permits which are renewable shall have an application filed for renewal at least fifteen (15) days prior to the expiration date of the current permit, except that applications for renewal or extension of a permit for less than fifteen (15) days may be applied for no later than three (3) days prior to the expiration date of the current permit.

- 4. **Performance Guarantee:** The Zoning Administrator shall require a performance guarantee in the form of cash, check or savings certificate be deposited with the Township Clerk in an amount equal to the estimated cost of removing any temporary structure authorized under this Section should it not be removed by an applicant at the end of an authorized period. The applicant shall similarly sign an affidavit holding the Township harmless against any claim for damages if the Township were to subsequently use the performance guarantee to remove the temporary structure after its authorized period had expired. The performance guarantee shall be returned when all the terms and conditions of the temporary zoning permit have been met and the temporary use or structure has been removed.

- B. **Permitted Temporary Buildings, Structures, and Uses:** The following temporary buildings, structures, and uses are permitted upon issuance of a temporary zoning permit according to the provisions of 18.06 (A) and the following conditions:

1. Construction Buildings and Structures:

- a. **Fire Damage:** Temporary buildings and structures are permitted incidental to construction work during renovation of a permanent building damaged by fire. The

temporary building or structure must be removed when repair of fire damage is complete, but in no case shall it be located on the lot or parcel for more than ninety (90) days.

- b. **New Construction:** Temporary buildings and structures are permitted incidental to construction work, except for the construction of single-family dwellings, and shall be removed within fifteen (15) days after construction is complete. In no case shall the building or structure be allowed more than twelve (12) months unless expressly authorized after petition to the Zoning Board of Appeals.
2. **Churches & Schools:** Temporary buildings incidental to a church or school are permitted provided that all wiring, plumbing, fire protection and exits are approved by the Fire Chief and Building Inspector, and by relevant state agencies.
 3. **Christmas Tree Sales:** The display and sale of Christmas trees in a Commercial District, or at a church or campground, is permitted by a temporary zoning permit, provided it is incidental and accessory to the principal use, except that a temporary zoning permit is not necessary for Christmas tree sales where a nursery is permitted by right or by special land use approval. The temporary zoning permit for the display and sale on an open lot shall be valid for a period not to exceed forty-five (45) days. All unsold trees must be removed from the property by December 31 of each calendar year.
 4. **Temporary Real Estate Offices:** Temporary real estate offices are permitted within approved development projects. No cooking or sleeping accommodations shall be maintained. The permit shall be valid for not more than one (1) year, but is renewable. The office shall be removed upon completion of the development of the project. A model home may be used as a temporary sales office.
 5. **Auctions:** The public sale of property to the highest bidder shall be permitted on a parcel or lot for not more than five (5) days and no sales activity shall occur within thirty (30) feet of any street or road right-of-way.
 6. **Sawmills (portable):** Sawmills shall be used for the cutting and use of the trees from only that parcel or lot for which the temporary zoning permit is issued. The sawmill shall not be located closer than five hundred (500) feet to a dwelling unless that of the owner. The permit shall be valid for six (6) months, but may be renewed.
 7. **Firewood Sales:** Firewood sales shall be limited to firewood cut from a Forestry District parcel or lot only and sold on the same premises, except as may be permitted in a Commercial District. Cutting and splitting by machines shall conform with the location requirements for temporary sawmills in subsection 6 above. Storage of firewood for sale and use by persons off the premises shall be restricted to the side and rear yards. A temporary zoning permit is required for firewood sales in the Forestry District only.
 8. **See 16.09** – Special events at Private stables
- C. **Garage Sales:** Garage sales, rummage sales, yard sales, moving sales, and similar activities shall be considered temporary accessory uses within any residential zoning district subject to the following conditions:
1. Any single garage sale, rummage sale or similar activity shall be allowed with the issuance of an incidental sales permit for a period not to exceed three (3) days. Such activities in operation for a period of time in excess of three (3) days shall require a temporary zoning permit from the Zoning Administrator.
 2. In no instance shall more than two (2) garage sales, rummage sales or similar activity be held in any one (1) location within any twelve (12) month period.

3. All such sales shall be conducted a minimum of twenty-five (25) feet from the front lot line and fifteen (15) feet from a side lot line.
 4. No garage sale or similar activity shall be conducted before 8:00 am or continue later than 9:00 pm.
 5. All signs advertising a garage sale shall be removed within twenty-four (24) hours of the conclusion of said garage sale or similar activity.
- D. **Habitation of Accessory Structures and Travel Trailers:** No garage, barn, or accessory buildings, or basement, whether fixed or portable, shall be used or occupied as a dwelling. Travel trailers or motor homes may be occupied for a period not to exceed fifteen (15) days in one (1) year unless in an approved travel trailer park or campground.

Section 18.07 TEMPORARY DWELLINGS

1. The Township Zoning Administrator may issue a temporary zoning permit for a mobile homes, subject to the following limitations and procedures:
 - A. **Emergency Housing:** When a dwelling is destroyed by fire, collapse, explosion, acts of God, or acts of a public enemy to the extent that it is no longer safe for human occupancy, as determined by the Charter Township of AuSable Zoning Administrator, and/or the Iosco County Building Inspector and Condemnation Officer, a temporary zoning permit may be issued to allow a mobile home less than twenty (20) feet in width to be placed on the property upon the request of the owner. Said permit shall be in effect for no more than six (6) months, any extension must be approved by the Zoning Board of Appeals who may grant the same for a period of not more than one (1) year during which time a permanent dwelling shall be erected on the property.
2. A temporary zoning permit for a mobile home shall not be granted, for any reason, unless the Zoning Administrator finds:
 - A. Evidence that the proposed location of the temporary dwelling will not be detrimental to property within three hundred (300) feet of the parcel intended to be the location of the temporary dwelling.
 - B. Proposed water supply and sanitary facilities have been approved by the County Health Department.
 - C. The temporary dwelling conforms with all setback and other dimensional requirements within said district.
3. A performance guarantee may be required by the Zoning Administrator from the property owner prior to placing a mobile home for temporary use, to ensure removal of the mobile home at termination of the permit.

Section 18.08 ACCESSORY USES, BUILDINGS, AND STRUCTURES

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

- A. **Attached:** An accessory building, including carports, which are attached to the principal building, shall comply in all respects with the requirements of this Ordinance applicable to the principal building. Breezeways, as an attachment between the garage or carport and the main building, shall be considered a part of the main building, but shall not be considered habitable floor area.
- B. **Separation Distance:** An accessory building or structure, unless attached and made structurally a part of the principal building, shall not be closer than ten (10) feet to any other structure on the lot, except that an outdoor kitchen or other structure used for cooking outside of the principal structure may be closer than ten (10) feet to any other structure on the lot, as long as the outdoor kitchen or other structure used for cooking outside of the principal structure does not involve the burning of combustible materials such as wood or charcoal, does not involve the use of a

chimney, and is installed, located, and used in compliance with all applicable local, state, and federal building, electrical, mechanical, plumbing, and safety codes, laws, and regulations

- C. **Placement:** Except for fences, accessory buildings and structures are subject to all setback requirements from the street applying to the principal building. Except for outdoor kitchens and other structures used for cooking outside of the principal structure, gazebos, docks, boathouses, and pump houses on waterfront lots, accessory buildings shall not be erected in the front yard. An outdoor kitchen or other structure used for cooking outside of the principal structure shall not be closer than ten (10) feet to any interior side or rear lot line, and, except for fences, all other accessory buildings or structures shall not be closer than five (5) feet to any interior side or rear lot line.
- D. **Living Space:** An accessory building can be converted or utilized for living space for the primary dwelling with an approved zoning permit. It cannot be used as a separate dwelling unit.
- E. **Lot Coverage:** An accessory building or structure shall not occupy more than thirty (30) percent of the area of any rear yard and in no instance shall the accessory building or structure exceed the ground floor area of the principal building, except that an accessory building or structure may occupy up to fifty (50) percent of the area of any rear yard if it is a nonconforming lot of record, and side and rear yard setbacks are met.
- F. **Height:** An attached garage roof cannot be higher than the principal building height. No detached residential accessory building or structure shall exceed one (1) story or seventeen (17) feet in height as measured from grade to peak of the roof. Detached accessory buildings incidental to other uses may be constructed to equal the permitted maximum height of structures in said districts, subject to Zoning Board of Appeals approval if the building exceeds one (1) story or seventeen (17) feet in height as measured from grade to the peak of the roof. This restriction shall not apply to the agriculturally related accessory structures on parcels greater than twenty (20) acres in size, or accessory structures allowed and controlled by special land use approval. (See also Section 18.14)
- G. **Not Permitted Prior to a Principal Structure:** Accessory buildings and structures shall not be erected on a lot or parcel in a residentially zoned district prior to the establishment of a principal structure, except for agricultural buildings. Where two (2) or more abutting lots are held under one (1) ownership in a residentially zoned district, the owner may erect an accessory building on a lot separate from that one, which the principal building is located, provided both lots are used as one (1) with a single tax description.
- H. **Quality:** All accessory buildings or structures shall be of similar or better quality than the principal dwelling. Temporary portable garage structures of any type are prohibited in any district.

I. Sheds

- 1. If constructed on site must be of similar quality and material of the primary structure and similar in material and color.
- 2. Shall be two hundred (200) or less square feet in size.
- 3. Two (2) sheds will be permitted per taxable property.
- 4. Shall be permitted in the rear and/or side yards but not in side or front yards.
- 5. Roof pitch shall be four (4) feet on twelve (12) feet run, or greater.

Section 18.10 ONE SINGLE-FAMILY DWELLING TO A LOT

No more than one (1) single-family building may be permanently established on a lot or parcel, unless specifically provided for elsewhere in this Ordinance.

Section 18.11 PERMITTED YARD ENCROACHMENTS

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

- A. Buildings or structures shall be permitted to encroach no more than three (3) feet upon the minimum yard area and setback requirements of this Ordinance with architectural elements that are necessary to the integrity of the structure of the building, or health or safety of the occupants, such as cornices, eaves, gutters, chimneys, pilasters, outside stairways, fire escapes, and similar features.
- B. Attached terraces, patios, porches and decks shall be permitted to encroach upon the minimum yard area and setback requirements of this Ordinance provided that they are not covered with a roof, or that the deck or paved area is no closer than ten (10) feet from a side or rear lot line. If the yard; proposed to be encroached abuts a public street or private road, the principal structure setback shall be observed and no encroachment is permitted.

Section 18.12 FRONT SETBACK REDUCTIONS AND INCREASES

Any front setback area in any residential district may be reduced below the minimum requirements when the average front setback of existing principal buildings within two hundred (200) feet of a proposed principal building location are less than the minimum required, in which case the required minimum front setback shall be based on the established average. In no case shall a principal structure be offset to the rear of the established setback more than fifty (50) percent of the existing principal buildings within two hundred (200) feet of a proposed principal building location. Where the established setback is greater than the required minimum, the required setback for the proposed building shall be the average of the existing buildings. In all cases however, the front yard setback shall be increased by thirty-three (33) feet as measured perpendicular to and along the centerline of the abutting street where a public right-of-way has not been granted.

Section 18.13 ALLOCATION OF LOT AREA & CONFIGURATION OF LOTS

1. No portion of a lot can be used more than once in complying with the provisions for lot area and yard dimensions for construction or alteration of buildings.
2. The depth of lots created in all zoning districts after the effective date of this Ordinance shall not be more than four (4) times longer than their width.
3. The creation of flag lots is greatly discouraged. Where there is no other way to gain access to undeveloped land due to limited street or road frontage, new flag lots may be permitted to be used, provided that the flag lot has at least twenty (20) feet of frontage on a public street, that this right-of-way serves only one (1) lot, and that there is at least a distance equivalent to the lot width of a conforming lot between flag lots. The minimum front, side and rear yard requirements of the district in which a flag lot is located must be met on the portion of lot excluding the right-of-way. (See Figure 2-4).

Section 18.14 HEIGHT REQUIREMENT EXCEPTIONS

1. The following are exempted from height limit requirements, provided that no portion of the excepted structure is used for human occupancy:
 - A. Those purely ornamental in purpose such as church spires, belfries, cupolas, domes, ornamental towers, and monuments. In residential districts, Areas of non-occupied ornamental structures shall be no higher than four (4) feet above the maximum building height requirements.
 - B. In non-residential districts those purely ornamental in purpose such as church spires, belfries, domes, ornamental towers, and monuments shall be decided on a case by case basis in the site development approval by the Township Planning Commission.

2. In a residential district area, flagpoles can be no higher than thirty-five (35) feet. In a commercial district the height shall be decided on a case by case basis in the site development approval by the Township Planning Commission or if added later by the Planning Commission.
3. Those structural extensions deemed necessary for appropriate building design such as cornices or parapet walls may extend a maximum of five (5) feet above height limitations and shall have no window openings.
4. Public utility structures, but not including communication towers, except upon receipt of a zoning permit.
5. Agricultural buildings and structures, such as barns, silos, elevators and the like, provided they shall not exceed one hundred (100) feet in height.

Section 18.15 RESERVED

Section 18.16 CONDITIONAL APPROVALS

1. **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 those standards in Section 18.16(2) and may be imposed to:
 - A. 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.
 - B. Protect the natural environment and conserve natural resources and energy.
 - C. Insure compatibility with adjacent uses of land.
 - D. Promote the use of land in a socially and economically desirable manner.
2. **Standards for Valid Conditions:** Conditions imposed shall meet all of the following standards:
 - A. 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.
 - B. Be related to the valid exercise of the police power, and purposes, which are affected by the proposed use or activity.
 - C. Be necessary to meet the intent and purpose of the Zoning Ordinance, be related to the standards established in the Ordinance for the land use or activity under consideration, and be necessary to insure compliance with those standards.
3. **Record of Conditions:** Any conditions imposed shall be recorded in the record of the approval action.
4. **Subsequent Change of Required Conditions:** These conditions shall not be changed except upon the mutual consent of the approving authority and the property owner.
5. **Performance Guarantees:** Performance guarantees may be required to insure compliance with conditions on discretionary decisions pursuant to the requirements of Section 3.08.

Section 18.17 RESIDENTIAL SATELLITE ANTENNA DISHES

Satellite dishes must meet the following conditions:

- A. One (1) satellite antenna dish per lot.

- B. All setback and height requirements for the district in which a satellite dish antenna is to be located shall be met by the satellite dish antennas.
- C. A satellite dish antenna shall not be placed in a front yard or in a manner that obstructs the view of any public right-of-way or intersection.
- D. The adopted rules of the Federal Communications Commission shall take precedence for antennae location when it can be proven that adequate reception cannot be received under provisions of this ordinance.

Section 18.18 OUTDOOR STORAGE, SALES AND MERCHANDISE DISPLAY

1. Outdoor display and sales of merchandise is permitted within Commercial Districts provided such display area is not located within a required front yard. The permitted outdoor display area shall be twenty-five percent (25) of the use's indoor retail sales floor area, except a minimum of two hundred (200) square feet of outdoor display area shall be permitted in all cases but shall never exceed an area of eight hundred (800) square feet. These square feet area limitations shall not apply to the display and sales of motor vehicles, items intended for tow, boats, trailers, or live retail and wholesale landscape materials.
2. Excepting the display and sales of motor vehicles, items intended for tow, or live retail and wholesale landscape materials, and unless specifically noted otherwise elsewhere in this Ordinance, all storage of materials or products in Commercial districts and Industrial districts shall be conducted within a completely enclosed building.
3. All machinery, equipment, vehicles, lumber piles, crates, boxes, building blocks, or other materials, which are either discarded, unsightly, showing evidence of a need for repairs, or which encourages vermin, shall be completely screened by an opaque fence or wall of not less than six (6) feet in height.
4. In a residentially zoned district or on a lot used primarily for residential use, at no time shall there be commercial equipment stored such as but not limited to earth moving equipment, Asphalt equipment and trailers or any other equipment used for commercial purpose .
Sales and merchandise shall not be permitted except as otherwise designated in this ordinance, excepting the sale of a personal vehicle, boat or trailer on property owned by the seller on a lot with an established primary structure providing the personal vehicle, boat, and trailer meet all other portions of this or any other township ordinance. At no time shall more than two (2) such items be places for sale at any one time on the same lot. Items shall not be posted "for sale" for longer than 30 days in any given 12-month period.

Section 18.19 CONDOMINIUM SUBDIVISIONS

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

- A. A condominium unit, including single-family detached units, shall comply with the applicable site development standards in this Ordinance including those provisions pertaining to lot size, setbacks, density and lot width.
- B. A condominium subdivision shall comply with the provisions in Article 24 pertaining to potable water supply and waste disposal facilities.
- C. The condominium subdivision 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.

- D. In addition to the materials required by Section 6.03 and applicable requirements of Article 7: Procedures for Special Land Uses, an application for a condominium subdivision shall include a condominium subdivision plan containing the following information:
1. A site plan showing the location, size, shape, area and width of all condominium units.
 2. A description of the common elements of the condominium subdivision as will be contained in the master deed.
 3. Proposed use and occupancy restrictions as will be contained in the master deed.
- E. All provisions of the condominium subdivision plan, which are approved by the Township Board, shall be incorporated, as approved, in the master deed for the condominium subdivision. Any proposed changes to the approved condominium subdivision plan shall be subject to review and approval by the Township Board as a major amendment to the permit, subject to the procedures of Section 6.08.
- F. All condominium projects, which consist in whole or in part of condominium units, which are building sites shall be marked with monuments as provided below:
1. Monuments shall be located in the ground and made according to the following requirements, but it is not intended or required that monuments be placed within the traveled portion of a street to mark angles in the boundary of the condominium subdivision if the angle points can be readily reestablished by reference to monuments along the sidelines of the streets.
 2. All monuments used shall be made of solid iron or steel bars at least one half (1/2) inch in diameter and thirty-six (36) inches long and completely encased in concrete at least four (4) inches in diameter.
 3. Monuments shall be located in the ground at all angles in the boundaries of the condominium subdivision; at the intersection lines of streets with the boundaries of the condominium subdivision and at the intersection of alleys with the boundaries of the condominium subdivision; at all points of curvature, points of tangency, points of compound curvature, points of reverse curvature and angle points in the side lines of streets and alleys; and at all angles of an intermediate traverse line.
 4. If the required location of a monument is in an inaccessible place, or where the locating of a monument would be clearly impracticable, it is sufficient to place a reference monument nearby and the precise location thereof be clearly indicated on the condominium subdivision and referenced to the true point.
 5. If a point required to be monumented is on a bedrock outcropping, a steel rod, at least one half (1/2) inch in diameter shall be drilled and grouted into solid rock to a depth of at least eight (8) inches.
 6. All required monuments shall be placed flush with the ground where practicable.
 7. All lot corners shall be monumented in the field by iron or steel bars or iron pipes at least eighteen (18) inches long and one half (1/2) inch in diameter or other approved markers.
 8. The Township Board may waive the placing of any of the required monuments and markers for a reasonable time, not to exceed one (1) year, on condition that the proprietor deposits with the Township Clerk cash or a certified check, or irrevocable bank letter of credit naming to the municipality, whichever the proprietor selects, in an amount not less than twenty-five dollars (\$25.00) per monument and not less than one hundred dollars (\$100.00) in total, except that lot corner markers shall be at the rate of not less than ten dollars (\$10.00) per

marker. The performance guarantee shall be returned to the proprietor pursuant to the provisions of Section 3.06 upon receipt of a certificate by a surveyor that the monuments and markers have been placed as required within the time specified.

- G. All streets within a condominium subdivision shall be constructed to at least the minimum requirements of the Iosco County Road Commission's construction standards.

Section 18.20 EARTH SHELTERED HOMES

The bottom edge of an earth berm surrounding or abutting a wall or roof of a dwelling shall meet the height and setback requirements for the District in which it is located.

SECTION 18.21 RECREATIONAL VEHICLE STORAGE

1. The recreational vehicle must be currently registered and licensed with the owner or residence of the property and fully operational.
2. No more than one (1) recreational vehicle is allowed to be stored on a residential zoned property, providing:
 - A. It is stored within the confines of the side yard and not closer than five (5) feet from the side yard lines.
 1. In the case of a corner yard where the side yard abuts a street, storage shall not be permitted in the side yard. See **Section 2.02 Definitions "Frontage"** as defined in this Ordinance.
 - B. It is stored within the confines of the rear yard and not closer than five (5) feet from the rear or side lot lines.
 1. In the case of a corner yard where the side yard abuts a street, it is stored with the confines of the rear yard and is not closer than ten (10) feet from the side yard lot line abutting the street. See **Section 2.02 Definitions "Frontage"** as defined in this Ordinance.
3. No recreational vehicle shall be stored on a commercial district zoned property except in the case of property approved for vehicle storage or sales.

SECTION 18.22 RECREATIONAL EQUIPMENT STORAGE

The recreational equipment must be currently registered and licensed with the owner or residence of the property and fully operational. See **Definitions: Section 2.02 "Recreational Equipment"** as defined in this Ordinance.

No more than two (2) pieces of recreational equipment can be stored on the property side or rear yard providing:

- A. It is stored within the confines of the side yard and not closer than five (5) feet from the side yard lines. In the case of a corner yard where the side-yard abuts a street, storage shall not be permitted in the side yard. See **Definitions: Section 2.02 "Frontage"** as defined in this Ordinance.
- B. It is stored within the confines of the rear yard and not closer than five (5) feet from the rear and side lot lines. In the case of a corner yard where the side yard abuts a street, it is stored with the confines of the rear yard and is not closer than ten (10) feet from the side yard lot line abutting the street. See **Definitions: Section 2.02 "Frontage"** as defined in this Ordinance.

- C. Any recreational equipment stored on a trailer is considered one (1) recreational equipment and not to exceed four (4) pieces of recreational equipment per trailer, neatly arranged.
- D. No recreational equipment shall be stored on a commercial district zoned property except in the case of property approved for equipment storage or sales.

Section 18.23 OPEN BURNING and RUBBISH

- A. It shall be unlawful to establish or operate a land use in violation of the Township's Outdoor and Open Burning, Dismantled/Junk Vehicle and Regulate the Disposal of Garbage and Rubbish Ordinances as may be amended, pertaining to, but not limited to open fires, rubbish, and junked cars, and any other ordinances, which the Township may adopt from time to time pertaining to the same.
- B. The storage or accumulation of junk, unstacked firewood, or refuse of any kind, except domestic refuse stored in a completely enclosed container is prohibited. Refuse containers shall not be stored in the front yard, adjacent to or in any road right-of-way, except for the purpose of refuse pick up and shall be removed promptly after pick up occurs.

Section 18.24 DWELLINGS

- 1. All dwelling units shall be reviewed by the Zoning Administrator subject to the following conditions:
 - A. Dwelling units shall conform to all applicable Township codes and ordinances. Any such local requirements are not intended to abridge applicable state or federal requirements with respect to the construction of the dwelling.
 - B. Dwelling units shall be permanently attached to a perimeter foundation. In instances where the applicant elects to set the dwelling on piers or other acceptable foundations which are not at the perimeter of the dwelling, then a perimeter wall should also be constructed. Any such perimeter wall shall be constructed of durable materials and shall also meet all local requirements with respect to material, construction and necessary foundations below the frost line. Any such wall shall also provide an appearance that is compatible with the dwelling and other homes in the area.
 - C. Dwelling units shall be provided with exterior finish materials similar to the dwelling units on adjacent properties or in the surrounding residential neighborhood.
 - D. Dwelling units shall be provided with roof pitch, roof design, and roofing material similar in appearance to the dwelling units on adjacent properties or in the surrounding residential neighborhood and shall have a roof pitch of not less than four (4) feet of rise for each twelve (12) feet of run.
 - E. Dwelling units shall be provided with an exterior building wall configuration, which represents an average width to depth or depth to width ratio, which does not exceed three (3) to one (1), or is in reasonable conformity with the configuration of dwelling units on adjacent properties or in the surrounding residential neighborhood and shall have a minimum width of twenty-two (22) feet.
 - F. The dwelling shall contain storage capability in a basement located under the dwelling, in an attic area, in closet areas, or in a separate structure of standard construction similar to or of better quality than the principal dwelling, which storage area shall be equal to ten (10) percent of the square footage of the dwelling or one hundred (100) square feet, whichever shall be less.
 - G. All dwellings shall be connected to a public sewer and water supply or to such private facilities approved by the Iosco County Health Department.
 - H. Any such home shall be anchored by an anchoring system approved by the township.
 - I. The Zoning Administrator may request a review by the Planning Commission of any dwelling unit with respect to this section. The Zoning Administrator or Planning Commission shall not seek to

discourage architectural variation, but seek to promote the reasonable compatibility of the character of dwelling units, thereby protecting the economic welfare and property value of surrounding residential uses and the township at large. In reviewing any such proposed dwelling unit, the Zoning Administrator may require the applicant to furnish such plans, elevations, and similar documentation as deemed necessary to permit a complete review and evaluation of the proposal. When comparing the proposed dwelling unit to similar types of dwelling units consideration shall be given to comparable types of homes within three hundred (300) feet. If the area within three hundred (300) feet does not contain any such homes, then the nearest twenty-five (25) dwellings shall be considered.

- J. The Planning Commission in reviewing any such proposed dwelling unit with respect to items C, D and E above shall not seek to discourage architectural variation, but shall seek to promote the reasonable compatibility of the character of dwelling units, thereby protecting the economic welfare and property of surrounding residential uses.

Section 18.25 ROADSIDE STANDS/FARM MARKETS

- 1. All roadside stands/farm markets shall be regulated according to the Michigan Commission of Agriculture & Rural Development's Generally Accepted Agricultural and Management Practices (GAAMP) for Farm Markets.

Section 18.26 ARTIFICIAL RESIDENTIAL PONDS

- 1. Artificial ponds are permitted on lots of a minimum three (3) acre area in a Natural Resources District Don't have a conservation district or Residential District upon the receipt of a Zoning Permit, subject to the following conditions:
 - A. The boundaries of the pond excavation are wholly within one (1) landowner's property.
 - B. Off site drainage is not affected.
 - C. Ponds shall be setback at least twenty-five (25) feet from all lot lines and seventy-five (75) feet from all dwellings, septic tanks, and tile septic waste disposal fields.
 - D. The bottom and sides of the pond and excavation area shall not exceed slopes of 3:1 (three (3) feet horizontal to one (1) foot vertical).
 - E. Excavated materials in excess of five thousand (5,000) cubic yards may not be hauled off the site unless specific approval is granted by the Township through the issuance of a special use permit for excavation activities.
 - F. A site plan must be submitted and approved, according to the provisions of Article 6, prior to excavation activities. In addition to the application requirements of Article 6, the following additional information shall be submitted with the site plan:
 - 1. Details of sodding, seeding, and drainage of the banks of the pond and surrounding affected area in accordance with the standards of the Soil Erosion Control Act.
 - 2. A letter from the Iosco County Drain Commission attesting that a soil erosion and sedimentation permit will be issued, if required, or stating that a permit is not required.
 - G. All applicable county, state, and federal permits are obtained and satisfactory evidence is provided to the Township that such permits have been obtained or are not necessary, including permits issued under PA 346 of 1972, Inland Lakes and Streams Act.
 - H. The approval of a site plan for an artificial pond shall become void after one (1) year of such approval unless the Planning Commission finds that the construction of the artificial pond has significantly progressed and has reason to expect full completion of the pond construction within six (6) months.

Section 18.27 HOME OCCUPATIONS AND HOME BASED BUSINESSES

Home Occupation Standards: **A home occupation, as defined in Section 2.02 Definitions, may be permitted in a single-family detached dwelling within a zoning district where such dwelling is permitted, subject to the following conditions:**

1.
 - A. That such home occupation shall be carried on within the dwelling or within a building accessory thereto.
 - B. The total floor area used by the home occupation shall not exceed twenty (20) percent of the total floor area of the dwelling unit. The floor area of all accessory buildings used in the home occupation shall be included in the maximum floor area permitted for the home occupation.
 - C. That the character or appearance of the residence shall not change and that the home occupation shall not generate traffic from cars or trucks more than normally associated with a residential dwelling. Difficult to make the call on traffic. If someone gives piano lessons or has a beauty shop there WILL be more traffic.
 - D. The home occupation shall not display or create outside the building any external evidence of the operation of the home occupation except for a sign, not to exceed two (2) square feet in area, as approved by the Zoning Administrator.
 - E. No separate entrance from the outside of the building shall be added to the residence for the sole use of the home occupation.
 - F. That no merchandise shall be sold or offered for sale on the premises.
 - G. That there shall be no exterior storage of materials or equipment.
 - H. That no nuisance shall be generated by any heat, glare, noise, smoke, vibration, noxious fumes, odors, vapors, gases, chemicals or matter at any time; and that no mechanical, electrical, or similar machinery or equipment, other than that used for normal domestic purpose, will be utilized in the home occupation.
 - I. That no hazard of fire, explosion or radioactivity shall exist at anytime.
 - J. That parking for the home occupation shall not exceed two (2) spaces. The spaces shall be provided on the premises, or off street subject to Article 21, herein. Parking spaces shall not be located in the required front yard.
 - K. No more than two (2) persons not residing within the dwelling shall be employed in the home occupation.
2. **Home-Based Business Standards:** A home-based business, as defined in Section 2.02 Definitions, is a use subject to the requirements of Article 9 Zoning Districts and Maps, and may be permitted, subject to Planning Commission approval and the following supplemental requirements:
 - A. Incidental Use: The use shall be incidental to and remain secondary to a principal permitted farm operation and/or single-family dwelling on the same lot.

1. The total floor area of the dwelling used for the home-based business shall not exceed twenty (20) percent of the dwelling's total floor area.
 2. The character or appearance of the dwelling shall not change, and the business shall not generate vehicular traffic above that normally associated with a dwelling.
 3. Home-based businesses may occupy all or part of any accessory buildings on the lot that conform to the minimum required yard setback for the zoning district, subject to Planning Commission approval.
- B. Signs: One (1) sign, not to exceed two (2) square feet in area, shall be permitted for the use.
- C. Outside Storage: Outdoor display or storage of vehicles, equipment, and materials shall be prohibited. All vehicles, equipment, and materials associated with the home-based business shall be stored within a completely enclosed building.
- D. Parking: Parking of vehicles or other activity associated with the home-based business shall be prohibited within road rights-of-way and the minimum required yard setbacks for the zoning district. Parking for the home-based business shall be subject to Article 21.
- E. Nuisances: No nuisance shall be generated by any heat, glare, noise, smoke, vibration, noxious fumes, odors, vapors, gases or chemicals at any time. No mechanical, electrical, or similar machinery or equipment, other than that used for normal domestic purposes, shall be utilized in the home-based business except for off-site performance of services provided by the business. No hazard of fire, explosion or radioactivity shall exist at any time. There shall be no retail sales of products and services except as may be incidental to the off-site services provided by the home-based business.
- F. Minimum Lot Area: A minimum lot area of three (3) acres shall be required for any home-based business.
1. For lots between three (3) and five (5) acres in lot area, a maximum four (4) persons not residing on the lot may be employed in a home-based business.
 2. For lots with five (5) acres or more of lot area, a maximum of eight (8) persons not residing on the lot may be employed in a home-based business.
 3. All employees of a home-based business not residing on the lot shall work primarily off-site.
- G. Hours of Operation: Operation of a home-based business shall be conducted in a manner that minimizes the impact of the business on adjacent residents and uses. The Planning Commission shall limit the hours of operation and make such other conditions as deemed appropriate to protect adjacent uses and residents.
- H. Screening: The Planning Commission may require screening of the home-based business from abutting non-farm dwellings and uses, in the form of a permanent vegetative buffer with a minimum width of twenty (20) feet. See Article 23 Landscaping and Screening.

3. **Prohibited Uses and Activities:** The Planning Commission shall not permit a home-based business unless it can be demonstrated that the business can be conducted in a manner that does not adversely impact adjacent uses and residents. The following uses are expressly prohibited as a home occupation or home-based business in any zoning district:
 - A. Automotive, truck, recreational vehicle, boat or motorcycle repair; auto body repair shops; and salvage or storage yards.
 - B. Eating and/or drinking establishments.
 - C. Any use for which parking cannot be accommodated on the site.
 - D. Uses similar to the above listed uses, or any use which would, in the determination of the Township, result in nuisance factors as defined by this Ordinance.
4. **Compliance Required:** Any home occupation or home-based business that does not conform to the requirements and standards of this Section shall be an unlawful use subject to the violation and penalty provisions of this Ordinance.

SECTION 18.28 FUNNELING

1. It is hereby found that funneling, as hereinafter defined, is detrimental to the Public Health, Safety and Welfare and constitutes an improper use of land and natural resources because it causes over crowding of lakes, streams and lands adjacent to them, contributes to the pollution and degradation of public waters, creates hazards to life and property by increasing the risks of riparian owners and the public, and adversely affects property values of shoreline properties located near funnel developments.
2. It is the declared purpose of this Section to protect the health, safety and general welfare of the citizens of AuSable Township by prohibiting funneling, as hereinafter defined, on bodies of water and water ways in the unincorporated areas of the Township. It is the intent of this Section to:
 - A. Carry out the purposes of the Township Zoning Act (Act 184 of Public Acts of 1943),
 - B. Environmental Protection Act (Act 127 of Public Acts of 1970) and to regulate the proper use of natural resources within the Township.
 - C. Prevent the overuse and misuse of water resources within the Township, particularly by boating traffic and similar impacts on inland waters.
 - D. Protect the quality of inland waters by limiting uses of the water that tend to pollute them.
3. Nothing in this Section shall be construed as depriving any riparian owner of any natural body of water or waterway of any riparian rights.
4. Funneling is prohibited in all areas of this ordinance jurisdiction. If any proposed use involves funneling or proposed funneling, said use shall not be permitted.

Article 19

NONCONFORMING USES OF LAND AND STRUCTURES

Section 19.01 INTENT AND PURPOSE

It is recognized that there exists within the districts established by this ordinance or amendments that may later be adopted, lots, structures, and uses of land and structures which were lawful before this ordinance was passed or amended, but which would be prohibited, regulated, or restricted under the terms of this ordinance.

It is the intent of this ordinance to permit these nonconformities to continue until they are removed, but not to encourage their survival. Such uses are declared by this ordinance to be incompatible with permitted uses in the districts involved. It is further the intent of this ordinance that nonconformities shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district.

It is further recognized that certain nonconforming uses and structures do not significantly depress the value of nearby properties and are not contrary to the public health, safety and welfare and that such use or structure was lawful at the time of its inception and that no useful purpose would be served by the strict application of requirements for nonconformities under this ordinance and, therefore, two (2) classes of nonconforming use and structure are designated, being Class A and Class B.

Section 19.02 CLASS A NONCONFORMING USES OR STRUCTURES

Those nonconforming uses or structures, which have been designated by the Planning Commission after a public hearing, shall be designated Class A providing findings that the following conditions exist with respect to the use or structure.

- A. The use or structure was lawful at its inception.
- B. Continuance of the use or structure does not significantly depress property values of nearby properties.
- C. Continuance of the use or structure would not be contrary to the public health, safety or welfare of the spirit of the ordinance.
- D. No useful purpose would be served by strict application of the provisions of this ordinance with which the use or structure does not conform.

Section 19.03 CLASS A CONDITIONS

The decision to grant a Class A designation shall be made in writing setting forth the findings and reasons on which it is based. Conditions may be attached, including time limits where deemed necessary to assure the use or structure does not become contrary to the public health, safety or welfare or the spirit and purpose of this ordinance and further to assure that at least the following standards are met.

- A. Screening and landscaping should be provided in keeping with community standards to provide compatibility with adjacent uses.
- B. Effects, which may have a negative impact such as lighting, noise, or visual impact, should be minimized.
- C. Where such use is in close proximity to homes, curbside parking shall not be allowed to an extent greater than the immediate property frontage of the nonconforming use.
- D. New signage should meet zoning district requirements. Existing nonconforming signs may be required to be eliminated or reduced in size and number as the Planning Commission may, in its judgment, determine.

- E. The exterior building materials utilized in any alteration or rebuilding of the building shall be harmonious with materials on abutting properties whenever practical.
- F. Enlargement or replacement of a building may be allowed provided such enlargement or replacement does not create a more nonconforming yard setback condition, which would impact on conforming properties in the immediate vicinity.
- G. The Planning Commission may require such other safeguards and improvements, as it may deem necessary to protect conforming uses in the surrounding area.
- H. After the Planning Commission has conducted a hearing and designated a nonconforming use or structure to the person, firm or partnership requesting the designation, said Class A designation shall be deemed temporary until the Planning Commission has received written verification from the building official that the party requesting the Class A designation has complied with all of the conditions set forth by the Planning Commission.
- I. After the Planning Commission has received written verification from the building official that the party requesting the Class A designation has complied with said conditions, the Class A designation shall become final, subject to other provisions of this ordinance as hereafter prescribed.
- J. No Class A nonconforming use or structure shall be resumed if it has been discontinued for six (6) consecutive months or eighteen (18) months in any three (3) year period. No Class A nonconforming use or structure shall be used, altered or enlarged in violation of any conditions imposed in its designation.
- K. A temporary Class A nonconforming use or structure that has not met with all the conditions set forth by the Planning Commission within six (6) months from the date the nonconforming use or structure received a temporary Class A designation shall not receive final approval unless a request for extension of time, in which to fulfill all of the conditions set forth by the Planning Commission, is submitted in writing to the Planning Commission along with sufficient reasons as to why the temporary Class A designation should be extended.
- L. Upon a showing of good cause the Planning Commission may extend the temporary Class A designation for the nonconforming use or structure for another six (6) months.

Section 19.04 CLASS B NONCONFORMING USES OR STRUCTURES

All nonconforming uses or structures not designated Class A shall be Class B nonconforming uses or structures. Class B nonconforming uses and structures shall comply with all the provisions of this ordinance relative to nonconforming uses and structures.

Section 19.05 NONCONFORMING LOTS

In any district in which single-family dwellings are permitted, notwithstanding limitations imposed by other provisions of this Ordinance, a single-family dwelling and customary accessory buildings may be erected on any single lot of record recorded with the Register of Deeds at or before the effective date of adoption or amendment of this Ordinance. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the district; provided that yard dimensions, setbacks and other requirements not involving area or width, or both, of the lot, shall conform to the regulations for the district in which such lot is located, unless a yard requirement variance is obtained through approval of the Zoning Board of Appeals. However, if two (2) or more lots or combinations of lots and portions of lots with continuous frontage in single ownership are of record at the time of passage or amendment of this Ordinance, and if all or part of the lots do not meet the requirements established for lot width and area, the lands involved shall be considered to be an undivided parcel for the purposes of this Ordinance, and no portion of said parcel shall be used or divided in a manner which diminishes compliance with lot width and area requirements established by this Ordinance.

Section 19.06 NONCONFORMING USES OF LAND

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

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

Section 19.07 NONCONFORMING STRUCTURES

Where a lawful structure exists at the effective date of adoption or amendment of this Ordinance that could not be built under the terms of this Ordinance by reason of restrictions on area, lot coverage, height, yards or other characteristics of the structure or location on the lot, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

- A. No such structure may be enlarged or altered in a way which increases its nonconformity, but the use of a structure and/or the structure itself may be changed or altered to a use permitted in the district in which it is located, provided that all such changes are also in conformance with the requirements of the district in which it is located. Furthermore, any nonconforming use may be extended throughout any parts of a building, which were manifestly arranged or designed for such use, and which existed at the time for adoption or amendment of this Article, but no such use shall be extended to occupy any land outside such building.
- B. Should such structure be destroyed by any means to an extent of more than fifty (50) percent of its appraised replacement cost, exclusive of foundations, it shall not be reconstructed except in conformity with the provisions of this Ordinance, including the respective site development standards for the District in which it is located. The appraised replacement cost shall be determined by the Zoning Administrator according to an appraisal by an independent qualified licensed building contractor, at the expense of the applicant. The Zoning Administrator shall report the appraised replacement cost to the Zoning Board of Appeals. The appraisal may be appealed to the Zoning Board of Appeals according to Section 4.03.
- C. Should such structure be moved for any reason for any distance, it shall thereafter conform to the regulations for the district in which it is located after it is moved.
- D. Any structure, or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district in which such structure is located, and the nonconforming use may not thereafter be resumed.
- E. Where nonconforming status applies to a structure and use in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land, and all subsequent uses and structures on the land shall conform to the applicable district regulations.

Section 19.08 CHANGE IN NONCONFORMING USES

Irrespective of other requirements of this Article, if no structural alterations are made, any nonconforming use of a structure and premises may be changed to another nonconforming use of similar or less nonconformance, provided that the Board of Appeals, either by general rule or by making findings in the specific case, shall find that the proposed use is equally appropriate or more appropriate to the district than the existing nonconforming use. In permitting such change, the Board of Appeals may require appropriate conditions and safeguards in accord with the purpose and intent of this Article. Where a nonconforming use, structure, or use and structure in combination is hereafter changed to a less nonconforming character, it shall not thereafter be changed to a greater nonconforming character.

Section 19.09 REPAIRS AND MAINTENANCE

On any building devoted in whole or in part to any nonconforming use, work may be done in any period of twelve (12) consecutive months on ordinary repairs, or on repair or replacement of nonbearing walls,

fixtures, wiring or plumbing to an extent not exceeding twenty-five (25) percent of the building's replacement cost prior to the initiation of repairs, exclusive of foundations, provided that the cubic content of the building as it existed at the time of passage or amendment of this Article shall not be increased. Nothing in this Article shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

Section 19.10 CHANGE OF TENANCY OR OWNERSHIP

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.

Section 19.11 DISTRICT CHANGES

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

Section 19.12 CHANGES TO NONCONFORMING BUILDINGS OR STRUCTURES

Nonconforming buildings or structures may be structurally changed, altered or enlarged with the approval of the Zoning Board of Appeals when the Zoning Board of Appeals finds that the request is a case in which failure to grant the relief requested would unreasonably restrict continued use of the property or would restrict valuable benefits that the public currently derives from the property as used in its nonconforming status, except that any approval for structural changes, alteration or enlargement may be granted only with a finding by the Zoning Board of Appeals that approval will not have an adverse affect on surrounding property and that it will be the minimum necessary to allow continued use of the property.

Section 19.13 ILLEGAL NONCONFORMING USES

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

Section 19.14 PERMITS

Permits for construction of, expansion of, or substitution of nonconforming lots, uses or structures require a Zoning Permit pursuant to Section 3.05. Other permits and approvals may also be required.

Section 19.15 APPEALS

A person aggrieved of a decision on nonconforming uses under Section 208(2) of Act 110 of 2006 MCL 125.3208 may appeal to the circuit court.

ARTICLE 20

ACCESS CONTROLS AND PRIVATE ROADS

Section 20.01 INTENT

The intent of this Article is to provide standards, which will facilitate safe and efficient traffic movement and vehicular access in the Township. The standards contained herein are intended to protect the public health, safety, and welfare, including minimizing congestion and potential for accidents, and better assuring accessibility to property under emergency conditions. The regulations and standards of this Article apply to all properties in the Township. The requirements and standards of this Article shall be applied in addition to the requirements of the Michigan Department of Transportation, Iosco County Road Commission, and other provisions of this Ordinance.

Section 20.02 CURB CUTS AND DRIVEWAYS

Curb cuts and driveways shall be located only upon the approval of the County Road Commission and appropriate state authorities as required by law; provided, however, such approval shall not be given where such curb cuts and driveways shall cause an unreasonable increase in traffic hazards, including but not limited to allowing adequate sight distance for ingress and egress.

- A. All plans for structures to be erected, altered, moved or reconstructed, and use of premises within the Township shall contain a plan for the proposed driveway access to the premises, which shall be part of the site plan or site plan pursuant to Section 6.03. Said plan shall be approved by the Zoning Administrator, or the Planning Commission in the case of a site plan, prior to the issuance of a zoning permit. No such plan shall be approved unless such driveway access is onto a dedicated public street or private road easement. County Road Commission standards shall be consulted during this review. Driveways shall, at a minimum, meet the following standards:
1. Culverts shall be installed in line with and on the same grade as the road ditch.
 2. Drives shall enter perpendicular to the existing public street or private road.
 3. No portion of the driveway entrance within the right-of-way shall have a grade of greater than ten (10) percent (one (1) foot vertical rise in ten (10) feet of horizontal distance).
 4. The driveway shall meet clear vision standards of the County Road Commission.
 5. Residential driveways shall be a minimum of fifty (50) feet from the nearest right-of-way line of an intersecting road or street.
 6. Vehicle ingress and egress points shall not be closer than one hundred (100) feet to the intersection of any two (2) public streets, or closer than eighty (80) feet to an adjacent driveway within a Commercial or Industrial District.
 7. All driveways leading to dwellings, garages or accessory structures shall have a compacted gravel or paved surface, and shall be designed to minimize erosion. Parking of motor vehicles on the front lawn/or grass is prohibited.
 8. Residential driveways shall contain curves of no less than fifty (50) foot radius (measured from the driveway centerline) up to within one hundred (100) feet of the dwelling unit, and the length of which shall be constructed and maintained to permit emergency vehicle access. The complete width of the driveway, and a distance of fifteen (15) feet above the entire driveway width, shall be maintained in a clear condition to permit emergency vehicle access.
- B. The Zoning Administrator shall inspect the driveway as developed for compliance to the above standards-

- C. New driveways shall align with existing or planned driveways, crossovers, turn lanes or other access features. This shall only be required if the resulting alignment provides safe access and if all requirements of this Ordinance and the County Road Commission are met.
- D. The location of new driveways shall conform with road improvement plans or corridor plans that have been adopted by the Township or County Road Commission or Michigan Department of Transportation.
- E. No driveway shall serve more than one (1) single-family dwelling or more than one (1) dwelling unit in a two-family dwelling.
- F. No driveways providing access to nonresidential uses and structures shall cross residentially zoned property.

Section 20.03 LOTS TO HAVE ACCESS

- 1. All parcels or lots hereinafter created in the Township shall have frontage on a public street, or a private road easement, and take their lot access from such frontage so as to provide safe, convenient access for fire protection, other emergency vehicles, and any required off-street parking.
- 2. In a platted subdivision or condominium subdivision, corner lots shall take their access from an approved private road or approved public street. Wherever a corner lot exists at the intersection of two (2) major thoroughfares, then access shall be taken from the thoroughfare presenting the least hazard in the opinion of the County Road Commission.
- 3. Private road easements shall be a minimum of sixty-six (66) feet wide, contain curves of no less than fifty (50) foot radius (measured from the easement centerline), and be maintained to permit emergency vehicle access.
- 4. All public streets and private road easement locations shall be approved by the Planning Commission.

Section 20.04 CLEAR VISION ZONE

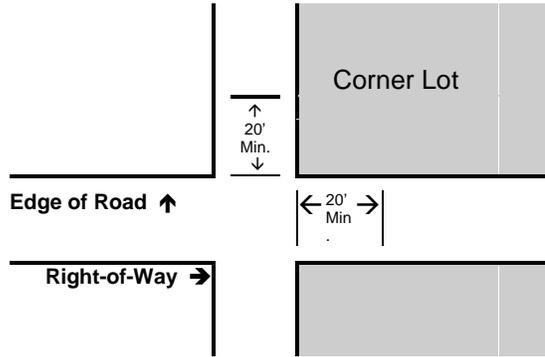
The following regulations shall apply to all landscaping, fences, walls, screens, or similar devices at street intersections:

- A. No fence, wall, sign, or screen or any planting shall be erected or maintained in such a way as to obstruct vision or interfere with traffic visibility on a curve and/or driveway, or within twenty (20) feet of the right-of-way of a street (See Figure 20-1 and Figure 20-2).
- B. No structure, hazard or obstruction shall be placed or maintained in the right-of-way, except as may be approved by the County Road Commission.

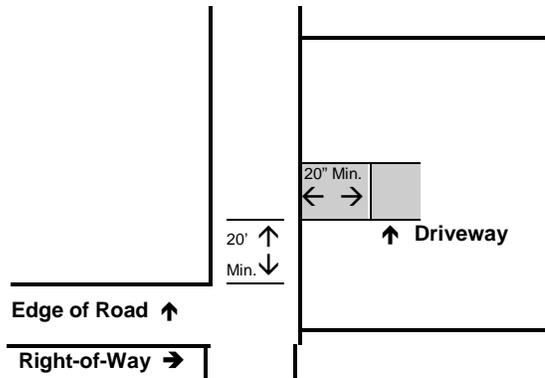
Section 20.05 DECELERATION LANES AND TAPERS

Where it can be demonstrated that a land use will generate daily driveway volumes along a major thoroughfare in excess of one thousand (1,000) vehicles per day, a right turn taper, deceleration lane and/or left turn bypass lane may be required by the approving body. Such lanes shall be constructed to Michigan Department of Transportation standards, as published in Michigan Department of Transportation Design Guidelines VII-650C, or most current version thereof.

**Figure 20-1
CLEAR VISION AREA ALONG PUBLIC ROAD**



**Figure 20-2
CLEAR VISION AREA FOR DRIVEWAYS**



Article 21

OFF-STREET PARKING AND LOADING

Section 21.01 INTENT OF PARKING PROVISIONS

It is the intent of this Ordinance that parking spaces shall be provided and adequately maintained by each property owner in every zoning district for the off-street storage of motor vehicles for the use of occupants, employees and patrons of each building and premise constructed, altered or enlarged under the provisions of this Ordinance. In order to prevent undue interference with public use of streets and alleys, every manufacturing, warehouse, wholesale store, retail store, hotel, hospital, laundry, mortuary, and other uses similarly and customarily receiving or distributing goods by motor vehicle shall provide space for such receiving or distributing.

Section 21.02 GENERAL REQUIREMENTS

1. **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.
2. **Requirements for a Use Not Mentioned:** In the case of a use not specifically mentioned, the requirements of off-street parking for a use which is mentioned and which is most similar to the use not listed shall apply. The Planning Commission shall make this determination and a record of the rationale applied documented in a file established for that purpose. An appeal may be taken to the Zoning Board of Appeals.
3. **Use of Parking Areas:** No commercial repair work, servicing or selling of any kind shall be conducted in any parking area or parking garage. Parking space shall be used only for the parking of vehicles used to service the establishment to which it is accessory and by its patrons.
 1. No sign shall be erected in parking areas other than not more than one (1) directional sign at each point of ingress or egress, such sign may also bear the name of the enterprise the lot is intended to serve. Such signs shall not exceed three (3) feet in height and twelve (12) square feet in area and shall not project beyond the property line of the premises.
4. **Building Additions or Other Increases in Floor Area:** Whenever a use requiring off-street parking is increased in floor 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.
5. **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 (2) or more uses may be granted by the Board of Appeals whenever such use is practical and satisfactory to each of the uses intended to be served, and when all site development requirements of Section 21.04 are met.
 - A. **Computing Capacities:** In computing capacities of any joint use, the total space requirement is 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.
 - B. **Record of Agreement:** A copy of an agreement between joint users shall be filed with the application for a zoning permit and recorded with the Register of Deeds of the County. The agreement shall include a guarantee for continued use of the parking facility by each party.
6. **Queued Vehicles:** There must be sufficient on-site storage to accommodate at least two (2) queued vehicles waiting to park or exit the site without using any portion of the public street right-of-way or in any other way interfering with street traffic.

7. **Decrease in Parking Areas:** No off-street parking area or parking space, which exists at the time this Ordinance becomes effective or, which subsequent thereto is provided 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 and Section 6.08.
8. **Permitted Vehicles in Residential Districts:** Parking of motor vehicles in Residential Districts shall be limited to passenger vehicles. One licensed commercial vehicle per dwelling not to exceed 2 axles.

Section 21.03 PARKING SPACE REQUIREMENTS

The number of required off-street parking spaces in all districts, by land use type, shall be as follows:

A. 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 (1) space per five (5) units for guest parking.
3. **Mobile Home Park:** 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 per employee on the largest work shift, plus one (1) space for every three (3) residents of the home.

B. Commercial Uses:

1. **Automobile Service and Repair Stations:** Two (2) spaces for each repair and service stall (a service stall is not considered a parking space), plus one (1) space per every two (2) employees.
2. **Barber Shops and Beauty Parlors:** Two (2) spaces for each beauty and/or barber chair.
3. **Bowling Alleys:** Two (2) spaces for each alley plus one (1) space for each employee on the largest shift.
4. **Clinics:** Two (2) spaces for each examination or treatment room, plus one (1) space for each doctor or dentist and other employees.
5. **Clothing, Furniture, Appliance, Hardware, Automobile, Machinery Sales, Shoe Repair, Personal Services (other than beauty and barber shops):** One (1) space per four hundred (400) feet of gross floor area.
6. **Commercial and Institutional Recreational Facilities:** One (1) space per three (3) patrons to the maximum capacity of the facility.
7. **Convalescent Homes, Convents or Similar Uses:** One (1) space for each six (6) beds plus one (1) space for every employee on the largest working shift.
8. **Dance Halls, Pool and Billiard Rooms:** One (1) space for every three (3) persons allowed within maximum capacity load.
9. **Drive-In Banks, Cleaners, Car Laundries, and Similar Businesses:** Stacking space for five (5) cars between the sidewalk area and one (1) space for each employee on the largest shift.
10. **Drive-in Restaurants or Fast-Food Restaurants:** One (1) space for every four (4) seats plus one (1) space for each employee on the largest shift; plus sufficient area for eight (8) stacking spaces for drive-in windows.

11. **Funeral Homes and Mortuaries:** One (1) space for every twenty-five (25) square feet of floor area of chapels and assembly rooms.
12. **Kennels:** One (1) space for each five (5) animals of the facility's capacity, plus one (1) space for every two (2) employees.
13. **Laundromat:** One (1) space for every three (3) washing or drying machines.
14. **Miniature or Par 3 Golf Courses:** Three (3) spaces for each hole plus one (1) space for each employee.
15. **Motels, Auto Courts, Tourist Homes:** One (1) space for each sleeping unit plus one (1) space for each employee on the largest shift.
16. **Private Recreational Facilities:** One (1) space for every six (6) potential members based on the capacity of the facility as determined by the fire marshal.
17. **Retail Stores, (except as otherwise specified herein):** One (1) space for every three hundred (300) square feet of gross floor area.
18. **Standard Restaurants, Cafeterias, Taverns, Bars:** One (1) space for every three (3) seats up to the capacity of the facility as determined by the fire marshal, plus one (1) space for each employee on the largest shift.
19. **Shooting Ranges:** One (1) space for each unit station plus one (1) space for each two (2) employees.
20. **Stables (commercial):** One (1) space for each five (5) animals of the facility's capacity, plus one (1) space for every two (2) employees.
21. **Supermarket, Self-Service Food Store:** One (1) space for every one hundred (100) square feet of gross floor area.
22. **Tanning Salons:** One (1) space for each tanning bed.

C. Office Uses:

1. **General Offices:** One (1) space for every two hundred (200) square feet of gross floor area.
2. **Professional Offices and Banks:** One (1) space for every three hundred (300) square feet of gross floor area.

D. Industrial Uses:

1. **Extraction Operations and Asphalt Batching Plants:** One (1) space for every employee on the largest shift.
2. **Industrial or Manufacturing Establishments:** One (1) space for every three (3) employees for industry's largest working shift.
3. **Junkyard:** One (1) space for every two (2) employees.
4. **Wholesale Stores:** One (1) space for every six hundred (600) square feet of floor area.
5. **Warehouses:** Five (5) plus one (1) space for each employee.

E. Institutional Uses:

1. **Auditoriums (incidental to schools), Churches, Stadiums, Gyms, Theaters, and Buildings of Similar Use with Fixed Seats:** One (1) space for each four (4) seats plus one (1) space for every two (2) employees.
2. **Boarding and Lodging Houses, Fraternities:** One (1) space for each bedroom or each two (2) occupants of the structure, whichever is greater, plus one (1) additional space for the owner or operator.
3. **Day Care Facilities (day care center and group day care home, but not a family home day care):** One (1) space for each employee, plus a paved, unobstructed stacking space for pick-up and drop-off, plus one (1) space per four (4) persons of licensed capacity.
4. **Elementary and Middle Schools:** One (1) space for every two (2) employees, plus one (1) space for every four (4) seats where the school contains an auditorium and/or stadium or gym.
5. **Golf Clubs, Swimming Pool Clubs, Tennis Clubs or Other Similar Uses:** Four (4) spaces for each green, plus one (1) space for every two (2) employees on the largest shift, plus fifty (50) percent of the spaces otherwise required for any accessory uses (e.g., restaurant, proshop, etc.).
6. **High Schools and Colleges:** One (1) space for every employee plus one (1) space for each five (5) students (based on the capacity of the facility as determined by the fire marshal), plus one (1) space for every four (4) seats where the school contains an auditorium and/or stadium or gym.
7. **Hospitals, Sanitariums:** One (1) space for each three (3) patient beds, plus one (1) space for each two (2) employees on the largest shift, plus one (1) space for each visiting doctor.
8. **Libraries, Museums, Post Offices:** One (1) space for every eight hundred (800) square feet of floor area plus one (1) space for every two (2) employees on the largest shift.

Section 21.04 SITE DEVELOPMENT REQUIREMENTS

All off-street parking areas 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 storage of vehicles.
- B. **Driveways:** Adequate ingress and egress to the parking area by means of clearly limited and defined drives shall be provided.
 1. Except for parking space provided for single-family and two-family residential lots, drives for ingress and egress to the parking area shall be not less than thirty (30) feet wide and so located as to secure the most appropriate development of the individual property.
 2. Each entrance to and exit from an off-street parking area shall be at least twenty-five (25) feet from any adjacent lot within a residential district.
- C. **Site Maneuverability:** Each parking space, within an off-street parking area, shall be provided with adequate access by means of maneuvering lanes. Backing directly onto a street shall be prohibited. The minimum width of required maneuvering lanes may vary depending upon the proposed parking pattern, as follows:
 1. For ninety (90) degree right angle parking patterns, the maneuvering lane width shall be a minimum of twenty-two (22) feet for a two-way aisle and fifteen (15) feet for a one-way aisle.
 2. For sixty (60) degree parking patterns, the maneuvering lane width shall be a minimum of eighteen (18) feet.

3. For forty-five (45) degree parking patterns, the maneuvering lane width shall be a minimum of eleven (11) feet.
 4. For parallel parking patterns, the maneuvering lane width shall be a minimum of twelve (12) feet for a one-way aisle and twenty-four (24) feet for a two-way aisle.
 5. All maneuvering lane widths shall permit one-way traffic movement only, except for ninety (90) degree and parallel parking patterns, which may provide for two-way traffic movement.
 6. All parking spaces shall be at least nine (9) feet wide and twenty (20) feet in length.
- D. **Surface:** Parking areas requiring a capacity of four (4) or more vehicles shall be surfaced with a material that shall provide a durable smooth and dustless surface and shall be graded and provided with adequate drainage.
- E. **Setback:** Unless otherwise permitted within this Ordinance, no off-street parking area shall be located within a required front, side, or rear yard setback. This shall not exclude parking on a driveway in residential districts.
- F. **Lighting:** Except for single-family and two-family residential lots, adequate lighting shall be provided throughout the hours when the the facility or business requiring the parking area is in operation.
1. Lighting shall be designed and constructed so that:
 - a. Direct or directly reflected light is confined to the development site
 - b. All light sources and light lenses are shielded
 - c. Any light sources or light lenses are not directly visible from beyond the site boundary.
 2. Lighting fixtures shall be a down-type having one hundred (100) percent cut off. The light rays may not be emitted by the installed fixture at angles above the horizontal plane, as may be certified by photometric test.
 3. Outdoor lighting shall be a down type, and have light sources, which are one hundred (100) percent shielded with no protruding lenses. The applicant shall submit the specifications for the lights, poles, fixtures and light sources to the Township for approval prior to installation. Unless as otherwise approved by the Planning Commission, light sources shall be high-pressure sodium. Approved exceptions shall use warm white or natural lamp colors.
 4. Recreation area and amusement area lighting shall be equipped with baffling or other devices to assure that the above requirements are achieved.

Section 21.05 LOADING AND UNLOADING SPACE REQUIREMENTS

1. **Additional Parking Space:** Loading space required under this Section shall be provided as area additional to off-street parking space as required under Section 21.03 and shall not be considered as supplying off-street parking space.
2. **Space Requirements:** There shall be provided an adequate space for standing, loading, and unloading service adjacent to the building opening for loading and unloading of not less than twelve (12) feet in width, fifty-five (55) feet in length, and fifteen (15) feet in height, open or enclosed, and shall be provided according to the following table:

Usable Floor Area (square feet)

Commercial uses, such as:
Retail Stores, Personal Services, Amusement, Automotive Service.

Space Required

First 2,000 sq. ft.; none. Next 20,000 sq. ft. or fraction thereof; one (1) space. Each additional 20,000 sq. ft. or fraction thereof; one (1) space.

Hotels, Offices, Clinics	First 2,000 sq. ft.; none. Next 50,000 sq. ft. or fraction thereof; one (1) space. Each additional 100,000 sq. ft. or fraction thereof; one (1) space.
Wholesale and Storage Contractor's Yards	First 20,000 sq. ft.; one (1) space, including building. Each additional 20,000 sq. ft. or fraction thereof; one space.
Manufacturing Uses	First 20,000 sq. ft. or fraction thereof; one (1) space. Each additional 20,000 sq. ft. or fraction thereof; one (1) space.
Funeral Homes and Mortuaries	First 5,000 sq. ft. or fraction thereof; One (1) space. Each additional 10,000 sq. ft. or fraction thereof; one (1) space.
Hospitals	First 20,000 sq. ft.; one (1) space. Next 100,000 sq. ft. or fraction thereof; one (1) space. Each additional 200,000 sq. ft. or fraction thereof; one (1) space.
Schools, Churches, Clubs, Public Assembly Buildings Auditoriums, Boarding Houses, Convalescent Homes	For each building, one (1) space.

3. **Access:** Access to a truck standing, loading, and unloading space shall be provided directly from a public street or alley and such space shall be so arranged to provide sufficient off-street maneuvering space as well as adequate ingress and egress to and from a street or alley.
4. **Location:** A loading-unloading area shall not be located within any front yard nor within any required side or rear yard setback.

Article 22

SIGNS

Section 22.01 PURPOSE

The purpose of these requirements is to provide a framework within which the identification and informational needs of all land uses can be harmonized with the desires and aesthetic standards of the general public. 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.

As described in the Charter Township of AuSable Master Plan, a key goal of the Au Sable Township community is to protect the scenic integrity of the natural environment and the accompanying viewsheds, particularly those near Lake Huron, the Au Sable River and the Huron National Forest. It is a basic tenet of this Article that unrestricted signage does not support the existing picturesque character of the Township and does not benefit either private enterprise or the community-at-large as it creates traffic safety hazards, visual clutter, confusion for vehicle drivers and visual blight. It is similarly the intent of this Article to protect the character of residential neighborhoods by discouraging the encroachment of signage, which undermines the intended character of such areas.

Section 22.02 DEFINITIONS

1. For the purposes of this Article, the following terms and definitions shall apply. See Figure 22-1 for examples of sign types.
 - A. **Alter:** To change or otherwise modify a sign, including structural modifications and modifications to nonstructural elements of the sign such as the frame and sign copy.
 - B. **Awning Sign:** A sign, which is painted or attached directly to an awning.
 - C. **Billboard:** A large sign which directs attention to a product or business not exclusively related to the premises where such sign is located.
 - D. **Canopy Sign:** A sign, which is painted or attached directly to a canopy.
 - E. **Decorative Display:** A decorative, temporary display designed for the entertainment or cultural enrichment of the public and having no direct or indirect sales or advertising content.
 - F. **Erect:** To build, construct, attach, hand, place, suspend, affix or paint.
 - G. **Electronic Message Center:** A sign or portion of a sign, that displays an electronic image or video, which may or may not include text, including any sign or portion of a sign that uses changing lights or similar form of electronic display such as LED to form a sign message or messages with text and or images wherein the sequence of messages and the rate of change is electronically programmed and can be modified by electronic processes. This definition includes without limitation television screens, plasma screens, digital screens, flat screens, LED displays, video boards, and holographic displays.
 - H. **Freestanding Sign:** A sign other than a ground, pole or portable sign which is not attached to a building and is capable of being moved from one (1) location to another on the site on which it is located.
 - I. **Ground Sign:** A sign supported by one (1) or more columns, uprights or braces in the ground surface and having a height not in excess of eight (8) feet.

- J. **Marquee Sign:** A sign attached to or hung from a marquee, canopy or other covered structure projecting from and supported by the building and extending beyond the building wall, building line or street lot line.
- K. **Off Premises Directional Sign:** A sign, which provides direction to a location within the Township.
- L. **Pole Sign:** A display sign supported by one (1) or more columns, uprights or braces in the ground surface and having a height in excess of eight (8) feet.
- M. **Portable Sign:** A sign and sign structure which is designed to facilitate the movement of the sign from one zoning to another. The sign may or may not have wheels, changeable lettering and/or hitches for towing. A sign shall be considered portable only if such sign is manifestly designed to be portable to facilitate its movement from one zoning lot to another, and shall not be considered freestanding signs under this Ordinance.
- N. **Projecting Sign:** Projecting sign means a sign which is affixed to any building or structure, other than a marquee, awning or canopy, and any part of which extends beyond the building wall more than eighteen (18) inches.
- O. **Pylon Sign:** A ground sign in excess of eight (8) feet in height.
- P. **Roof Sign:** A sign, which is erected, constructed and maintained on or above the roof of a building.
- Q. **Sign Area:** The area of a sign shall be computed as including the entire area within a regular geometric form or combination of such forms comprising all the display area of the sign and including all of the elements of the matter displayed and structural and nonstructural trim. Where a sign has two (2) or more faces, the area of all faces shall be included in determining the area of the sign, except that where two (2) such faces are placed back-to-back, parallel to one another and less than twelve (12) inches apart from one another, the area of the sign shall be the area of one (1) face.
- R. **Sign Copy:** Portion of a sign which describes the business or service establishment, including, but not limited to, the name, type of, and nature of said establishment.
- S. **Temporary Sign:** A display sign, banner, or other advertising device constructed of cloth, canvas, fabric, plastic or other light temporary material, with or without a structural frame, or any other sign intended for a limited period of display, but not including decorative displays for holidays or public demonstration.
- T. **Vehicle Sign:** A sign attached to a vehicle or placed within or upon such vehicle, which advertises products for sale other than the identification of the vehicle owner or operator.
- U. **Wall Sign:** A display sign, which is painted on or attached directly to the building wall and projecting not more than eighteen (18) inches from the wall.
- V. **Window Sign:** A sign affixed to a window so as to be observable from the opposite side of the window to which such sign is located or affixed.

Section 22.03 GENERAL REQUIREMENTS FOR ALL SIGNS

NOTE – Any sign that can be displayed under the provisions of this ordinance may contain a non-commercial message.

1. **Illumination:** Internally and externally lighted, reflectorized, glowing, and other forms of illumination shall be permitted on all signs, except as otherwise regulated in this Ordinance. All illumination shall be concentrated on the area of the sign or landscape feature so as to prevent glare upon the street or adjacent property. No sign shall be illuminated by other than electrical means or devices, and wiring shall be installed in accordance with the County Building Code. In no instance shall such illumination be located as to be hazardous to traffic.
2. **Signs Not to Constitute a Traffic Hazard:** No sign shall be erected in such a manner as to obstruct free and clear traffic vision.
3. **Face of Sign Shall Be Smooth:** No nails, tacks or wires shall be permitted to protrude from the front of any sign. This shall not exclude, however, the use of block letters, electrical reflectors, or other devices, which may extend over the top and in front of the advertising structure.
4. **Obscene Matter Prohibited:** It shall be unlawful for any person to display upon any sign or other advertising structure any obscene matter.
5. **Removal of Certain Signs:** Any sign now or hereafter existing for a business or entity that no longer exists, shall be taken down and removed by the owner, agent or person having the beneficial use of the building or structure upon which said sign shall be found within thirty (30) days after written notice from the Zoning Administrator. This provision may be waived by the Planning Commission for signs having historic value as determined by the Planning Commission.
6. **Public Right-of-Way:** No sign shall be erected or placed in the public right-of-way unless specifically authorized by the Michigan Department of Transportation in writing. The owner of any sign, which has been removed by the Township from the right-of-way because it is in violation of this provision shall pay to the Township the sum of twenty-five dollars (\$25.00) before recovering said sign. If any sign is not claimed within thirty (30) days, it shall be destroyed.
7. **Sign Setbacks:** All free standing, ground, pole, portable and pylon signs shall be setback not less than five (5) feet from all street right-of-way lines except as otherwise provided herein.
8. **Political Campaign Signs:** Political campaign signs must be removed within ten (10) days following the election to which they pertain. The Township Board may establish a fee for removal of signs, which have not been removed after ten (10) days following the election to which they pertain.
9. **Construction:**
 - A. All pole signs shall be securely built, constructed and erected upon posts and standards sunk at least forty-two (42) inches below the material surface of the ground and embedded in concrete. Wood or wood products shall be of wolmanized or equal treatment. A lightning-grounding device shall be provided in accord with applicable electric codes.
 - B. All letters, figures, characters or representations in cutout or irregular form, maintained in conjunction with attached to, or super imposed upon any sign shall be safely and securely built or attached to the sign structure.
 - C. All wall signs shall have noncombustible material.
 - D. All wall signs shall be safely and securely attached to structural members of the building by means of metal anchors, bolts or expansion screws. In no case shall any wall sign be secured with wire, stripe of wood or nails.
10. **Permitted Signs Accessory to Churches, Schools, and Nonprofit Institutions:** Churches, schools, colleges, buildings housing governmental functions and utilities of the Township, County or

State or any subdivision thereof, are permitted to erect a sign irrespective of the zoning district within which such use is to exist. Such signs may be illuminated. Such signs, when of a permanent nature, shall be constructed of materials approved by the Zoning Administrator and shall meet all the requirements of this Ordinance and shall be limited to ground, portable and temporary signs as defined in this Ordinance and subject to the following conditions:

A. Ground Signs:

1. There shall be no more than one (1) sign.
2. Such signs shall be set back from the lot line at least one-third (1/3) of the distance from the lot line to the nearest building, but need not be set back more than one hundred (100) feet from the property line.
3. No sign shall exceed twenty (20) square feet in area, unless the sign is located more than fifty (50) feet behind the property line, then said sign may be increased by five (5) additional square feet for each additional ten (10) feet of setback, but in no event shall such sign exceed fifty (50) square feet in area.

B. Temporary Signs:

1. Not more than one (1) construction sign for building or remodeling of buildings shall be allowed not to exceed thirty-two (32) square feet in total surface area and shall be located on the premises being utilized for such construction. Such sign shall be removed upon completion of construction or upon cessation of work for a period of six (6) months.
2. One (1) sign advertising the rental, sale or lease of property shall be allowed. Such sign shall not exceed six (6) square feet in area and not exceed six (6) feet in height.

C. Portable Sign:

1. Portable signs not exceeding thirty-two (32) square feet in area for each face of such sign shall be allowed and shall be permitted as temporary signs for periods not to exceed seven (7) consecutive days in a twenty-eight (28) day period on any one (1) lot and not to exceed twenty-eight (28) days in any one (1) year. In no instance shall such signs be located so as to obstruct parking spaces or automobile or pedestrian travel lanes. Such signs shall not flash or be located so as to obstruct traffic vision and lighting shall be of a type so as not to be confused with traffic controls and not to cause distraction to vehicle driver.
2. Connections to an energy source for lighting shall be in accord with all codes of the Township and shall not be exposed in any way that may constitute a safety hazard to the public. This provision shall apply to existing portable signs and to new portable signs.

D. Off Premises Directional Signs:

1. Directional signs not exceeding four (4) square feet in area per sign face may be located in any district and shall not exceed a total of two (2) such signs per use.
2. Permission for the location of directional signs shall be secured by the owner of such sign from the property owner of the property on which such sign is to be located.

11. Signs located in the US-23 Right of Way

In addition to the requirements contained within this ordinance, a Michigan Department of Transportation permit shall be required for any sign located in the US-23 Right of Way. All conditions required by said Department shall be complied with during and after sign erection.

Section 22.04 PERMITTED SIGNS IN R-NR, R-1, R-2, R-3, R-5, R-6

Wall, ground and temporary signs, as defined in this Ordinance, are allowed in all Residential Districts provided such signs shall not be illuminated unless otherwise provided for in this Ordinance and subject to the following conditions by type:

A. **Ground Signs:**

1. **Signs Advertising the Lots and/or Buildings Erected in Any Subdivision or Multiple-Family Development:** It shall be permissible for a real estate broker or builder to erect one (1) sign not to exceed a total surface area of thirty-two (32) square feet nor an overall height of ten (10) feet, the lower edge of which shall not be less than eighteen (18) inches above surrounding ground level, to advertise the lots and/or buildings erected in any one (1) subdivision. No such sign shall be erected or maintained within one hundred (100) feet of any occupied residence unless the written consent of the owner and occupant of such residence is first obtained.
2. **Multiple-Family Residential Units and Mobile Home Park Districts:**
 - a. Any person owning or operating any multiple-family residential units or mobile home park may erect a sign bearing the name of the development, such sign not to exceed thirty-two (32) square feet in area and not to exceed an overall height of six (6) feet above the ground level, such sign may be lighted during the hours of darkness and which shall contain no advertising or information other than the name of the development and status of occupancy. No more than one (1) sign may be erected for each development entrance.

B. **Wall Signs:**

1. **Dwelling Nameplate:** For each dwelling unit, one (1) nameplate not exceeding two (2) square feet in area indicating name of occupant.
2. All wall signs shall be safely and securely attached to structural members of the building by means of metal anchors, bolts or expansion screws. In no case shall any wall sign be secured with wire, strips of wood or nails.

C. **Temporary Signs:**

1. **Garage Sale Signs:** Garage sale signs may be used to advertise a garage sale and shall be promptly removed upon completion of the garage sale.
2. **Banners and Pennants:** During periods of "open house" for new homes, banners and pennants may be allowed for periods not to exceed thirty (30) consecutive days as designated in the sign permit.
3. **Construction Signs:** For building or remodeling of residential buildings, not more that one (1) sign shall be allowed not to exceed six (6) square feet in total surface area and shall be located on the premises being utilized for such construction. Such sign shall be removed upon completion of construction or upon cessation of work for a period of six (6) months.
4. One (1) sign advertising the rental, sale or lease of property shall be allowed not to exceed six (6) square feet and not to exceed a height of six (6) feet.

Section 22.05 PERMITTED SIGNS IN THE R-4 DISTRICT

1. All sign types allowed and as controlled for in the R-NR, R-1, R-2, R-3, R-5, R-6 districts shall apply to the R-4 District.
2. Wall, ground, pole, pylon, and temporary signs, as defined in this Ordinance, are allowed for commercial uses in the R-4 Districts, excluding home occupations. Either one (1) ground, pole, or pylon sign and one (1) wall sign as defined in this Ordinance is permitted subject to the following conditions by type:
 - A. **Ground Sign:** It shall be permissible for a commercial use to erect one (1) sign not to exceed thirty-two (32) square feet per sign face with an overall height of ten (10) feet, and shall be set back not less than five (5) feet from the street right-of-way.

- B. **Pole Sign:** It shall be permissible for a commercial use to erect one (1) sign having a sign area not more than sixty (60) square feet per sign face. Pole signs shall not protrude beyond the lot line and shall have a minimum setback of not less than five (5) feet from street right-of-way line. The top of sign shall not exceed twenty (20) feet in height and shall have its lowest point of the sign face not less than eight (8) feet from the ground.
 - C. **Pylon Sign:** One (1) pylon sign having a sign area not more than sixty (60) square feet for each face. Not more than one (1) pylon sign may be erected for any one (1) site and shall not exceed twenty (20) feet in height and shall be set back not less than five (5) feet from a street right-of-way.
 - D. **Wall Sign:** The total surface area of all wall signs placed on buildings shall not exceed ten (10) percent of the area of the wall on which the sign shall be placed. If a single principal building is devoted to two (2) or more businesses, or commercial uses, the tenant of each such use may install a wall sign. The maximum area of each such sign shall be determined by determining the proportionate share of the wall (including doors and windows) of the principal building occupied by each such use and applying such proportion of the total sign area permitted for the wall of the building or the percent agreed to by the tenants, total not to exceed the above area limitation.
3. **Off Premises Directional Sign:** One (1) off premises directional sign not exceeding twenty (20) square feet per sign face shall be allowed not to exceed a total of two (2) signs per use. Permission for the location of directional signs shall be secured by the owner of such sign from the property owner of the property on which such sign is located.
 4. **Temporary Signs:** Not more than one (1) construction sign for building or remodeling of buildings shall be allowed not to exceed thirty-two (32) square feet in total surface area and shall be located on the premises being utilized for such construction. Such sign shall be removed upon completion of construction or upon cessation of work for a period of six (6) months.

Section 22.06 PERMITTED SIGNS IN THE C-1 DISTRICT

1. Wall, ground, pole, pylon and temporary signs, as defined in this Ordinance, are allowed in the C-1 district. Either one (1) ground, pole or pylon sign and one (1) wall sign as defined in this Ordinance is permitted subject to the following conditions by type:
 - A. **Ground Signs:** It shall be permissible for a commercial use to erect one (1) sign not to exceed thirty-two (32) square feet per sign face with an overall height of ten (10) feet, and shall be set back not less than five (5) feet from the street right-of-way.
 - B. **Pole Sign:** It shall be permissible for a commercial use to erect one (1) sign having a sign area not more than sixty (60) square feet per sign face. Pole signs shall not protrude beyond the lot line and shall have a minimum setback of not less than five (5) feet from street right-of-way line. The top of sign shall not exceed twenty (20) feet in height and shall have its lowest point of the sign face not less than eight (8) feet from the ground.
 - C. **Pylon Sign:** One (1) pylon sign having a sign area not more than sixty (60) square feet for each face. Not more than one (1) pylon sign may be erected for any one (1) site and shall not exceed twenty (20) feet in height and shall be set back not less than five (5) feet from a street right-of-way.
 - D. **Wall Sign:** The total surface area of all wall signs placed on buildings shall not exceed ten (10) percent of the area of the wall on which the sign shall be placed. If a single principal building is devoted to two (2) or more businesses, or commercial uses, the tenant of each such use may install a wall sign. The maximum area of each such sign shall be determined by determining the proportionate share of the wall (including doors and windows) of the principal building occupied by each such use and applying such proportion of the total sign area permitted for the wall of the building or the percent agreed to by the tenants, total not to exceed the above area limitation.

2. **Off Premises Directional Sign:** One (1) off premises directional sign not exceeding twenty (20) square feet per sign face shall be allowed, not to exceed a total of two (2) signs per use. Permission for the location of directional signs shall be secured by the owner of such sign from the property owner of the property on which such sign is located.
3. **Temporary Signs:** Not more than one (1) construction sign for building or remodeling of buildings shall be allowed not to exceed thirty-two (32) square feet in total surface area and shall be located on the premises being utilized for such construction. Such sign shall be removed upon completion of construction or upon cessation of work for a period of six (6) months.
4. **Electronic Message Center (EMC):** No more than 32 square feet of any allowable sign shall be an electronic message center.
 - A. An EMC sign may be a portion of a building or freestanding sign, or may comprise the entire sign area.
 - B. All EMC signs shall have automatic dimming controls, either by photocell (hardwired) or via software settings in order to reduce the EMC lighting level at night down to a maximum luminance level of seven hundred fifty (750) cd/m² or Nits at least one-half hour before sunset as determined by the National Oceanic and Atmospheric Administration (NOAA). The sign must comply with this maximum luminance level throughout the night until sunrise, at which time the sign may resume luminance levels appropriate for daylight conditions, when required or appropriate.
 - C. Flashing and full motion video or film display is not permitted. Full motion video as described shall be permitted by special exception only.

Section 22.07 PERMITTED SIGNS IN C-2 AND C-3 DISTRICTS

1. Ground, pole, pylon, wall, projecting, marquee, awning, canopy, banner, portable and temporary signs are permitted in Business Districts. Either one (1) ground, one (1) pole or one (1) pylon sign, and any two (2) additional signs of the applicant's choice from those signs listed in A through G below not including additional ground, pole or pylon signs shall be permitted. On a corner lot or in those instances where business building entrances exist on more than one (1) wall, one (1) wall sign in addition to those allowed above may be permitted.
 - A. **Ground Sign:**
 1. One (1) ground sign shall be allowed and may be provided to identify a building or group of buildings. Such sign, not exceeding thirty-two (32) square feet per sign face shall be allowed. Buildings grouped on a site such as a strip shopping area, shopping plaza or shopping center may provide in addition to the thirty-two (32) square feet allowed an additional twenty (20) square feet of sign face per each building unit occupying the grouped buildings on the site.
 2. Not more than one (1) ground sign may be erected accessory to any one (1) development regardless of the number of buildings, separate parties, tenants or uses contained therein.
 3. No ground sign shall be erected to a greater height than five (5) feet.
 4. No ground sign shall be located within any existing or proposed right-of-way line.
 5. Ground signs shall be utilized only for identification of the uses allowed in the zoning district and shall not be utilized to advertise products for sale.
 - B. **Pole Sign:**
 1. One (1) pole sign having a sign area of not more than eighty (80) square feet per sign face shall be allowed. The height of such pole sign shall be governed by the maximum building height allowed in the district and shall have its lowest point of the sign face not less than eight (8) feet from the ground. Not more than one (1) pole sign may be erected accessory to any one (1) development regardless of the number of buildings, separate parties, tenants or uses

contained therein. A setback of not less than five (5) feet shall be provided. Buildings grouped on a site such as a strip shopping area, shopping plaza or shopping center may provide in addition to the eighty (80) square feet allowed an additional twenty (20) square feet of sign face per each building unit occupying the grouped buildings on the site.

2. Time and temperature signs shall be allowed as one of the signs permitted.
3. Auto dealerships may have one (1) pole sign provided such pole sign may identify more than one (1) make of vehicle on such sign.
4. One (1) motor fuel sign not exceeding twenty-four (24) square feet per sign face shall be allowed for Waterfront Marinas on the waterside of such property in addition to other signs allowed in this district.

C. Pylon Sign:

1. One (1) pylon sign having a sign area of not more than eighty (80) square feet per sign face. Not more than one (1) pylon sign may be erected accessory to any one development regardless of the number of buildings, separate parties, tenants or uses contained therein. The height of such sign shall be governed by the maximum building height allowed in the district. A setback of not less than five (5) feet shall be provided.
2. Time and temperature signs shall be allowed as one of the signs permitted.

D. Wall Sign:

1. The total surface area of all wall signs placed on the front, side or rear of a building shall not exceed ten (10) percent of the area of the wall being utilized (including doors and windows of the principal building) or where a single principal building is devoted to two (2) or more business or commercial uses, the operator of each such use may install a wall sign. The maximum area of each such sign shall be determined by determining the proportionate share of the wall being utilized (including doors and windows) of the principal building occupied by each such use and applying such proportion of the total sign area permitted for the wall of the building or the percent agreed to by the occupants, total not to exceed the above area limitations.
2. Time and temperature signs shall be permitted and shall be allowed as one of the signs permitted and shall not exceed the height of the building.
3. No wall sign shall cover wholly or partially any wall opening nor project beyond the ends or top of the wall to which it is attached.
4. No wall sign shall have a greater thickness than eighteen (18) inches measured from the wall to which it is attached to the out surface. Wall signs may project over the public right-of-way or pedestrian walkways not to exceed eighteen (18) inches.

E. Projecting:

1. One (1) projecting sign limited to not more than thirty-two (32) square feet of sign area for each sign face.
2. No projecting sign shall exceed a height greater than the front wall height of the building to which it is attached or extended below a minimum height of eight (8) feet.
3. Every part of a projecting sign, with a total surface area greater than ten (10) square feet, shall be constructed of noncombustible material.
4. The distance measured between the principal faces of any projecting sign shall not exceed eighteen (18) inches.

5. Projecting signs of a greater total surface area than ten (10) square feet or fifty (50) pounds in weight shall not be attached to nor supported by frame buildings nor the wooden framework of a building. All projecting signs shall be thoroughly secured to the building by iron or other metal anchors, bolts, supports, rods or braces.
6. Any movable part of a projecting sign, such as the cover of a service opening, shall securely be fastened by chains, hinges or other suitable fastening device.
7. Time and temperature signs shall be allowed as one of the signs permitted.

F. Marquee:

1. No marquee sign shall have a total surface area exceeding thirty-two (32) square feet.
2. No marquee sign shall extend below a minimum height of ten (10) feet.
3. Every marquee sign, including the upright supports and braces thereof, shall be constructed entirely of noncombustible materials.
4. Every marquee sign shall be thoroughly secured to the building by iron or metal anchors, bolts, supports, rods or braces.

G. Awning or Canopy: Letters may be painted or otherwise affixed to any permissible awning or canopy subject to the following regulations:

1. Letters or lettering shall be computed as a part of the maximum allowable sign area as provided for wall signs.
2. No awning or canopy sign shall extend below a minimum height of seven (7) feet.
3. Any awning projecting more than thirty-six (36) inches shall be required to have a building permit.

2. Electronic Message Center (EMC): No more than thirty-two (32) square feet of any allowable sign shall be an electronic message center.

- A. An EMC sign may be a portion of a building or freestanding sign, or may comprise the entire sign area.
- B. All EMC signs shall have automatic dimming controls, either by photocell (hardwired) or via software settings in order to reduce the EMC lighting level at night down to a maximum luminance level of seven hundred fifty (750) cd/m² or Nits at least one-half hour before sunset as determined by the National Oceanic and Atmospheric Administration (NOAA). The sign must comply with this maximum luminance level throughout the night until sunrise, at which time the sign may resume luminance levels appropriate for daylight conditions, when required or appropriate.
- C. Flashing and full motion video or film display is not permitted. Full motion video as described shall be permitted by special exception only.

3. Temporary Sign:

- A. For sale or rental of individual units, there shall be no more than one (1) such sign, except that on a corner lot two (2) signs, one (1) facing each street, shall be permitted. No such sign shall exceed six (6) square feet in area. All such signs shall be removed within two (2) weeks after a lease or sale contract has been signed.
- B. Signs advertising buildings under construction may be erected for the period of construction and shall not exceed a face area of thirty-two (32) square feet. Such signs shall be erected on the building or lot where such construction is being carried on and shall advertise only the architect,

contractor, subcontractor, building or materials and equipment used. Such sign shall be removed upon completion of construction or upon cessation of work for a period of six (6) months.

- C. Temporary signs may be displayed for any new business or owner for a period of time not to exceed three (3) months unless otherwise specified herein.
- D. No temporary sign may have a single face greater than thirty-two (32) square feet nor be of greater height than the top of the wall to which it is attached. If the temporary sign is not attached to a wall, the sign shall not be of greater height than five (5) feet above the ground.
- E. No temporary sign shall be strung across any public right-of-way nor shall any temporary sign project beyond the property line except as authorized by the Township Board and County Road Commission.
- F. Temporary signs shall be removed promptly at the end of the display period provided for above.
- G. Temporary signs found by the Zoning Administrator to be in a torn, damaged or unsafe condition must be removed by the owner within three (3) days after his receipt of notice to do so from the Zoning Administrator.
- H. The number of temporary signs permitted shall be limited to two (2) per building, per twelve (12) month period.
- I. Portable signs not exceeding thirty-two (32) square feet in area for each face of such sign shall be allowed and shall be permitted as temporary signs for periods not to exceed seven (7) consecutive days in a twenty-eight (28) day period on any one (1) lot and not to exceed twenty-eight (28) days in any one (1) year. In no instance shall such sign be located so as to obstruct parking spaces or automobile or pedestrian travel lanes. Such signs shall not flash or be located so as to obstruct traffic vision and lighting shall be of a type so as not be confused with traffic, controls and not to cause distraction to vehicle drivers. Connections to an energy source for lighting shall be in accord with all codes of the Township and shall not be exposed in any way that may constitute a safety hazard to the public. This provision shall apply to existing portable signs and to new portable signs.
- J. Banner and Pennants may be utilized subject to the following conditions:
 - 1. Cloth, synthetic or canvas signs, pennants or banners may be erected for a period of not to exceed thirty (30) days in any calendar year.
 - 2. No banner shall be strung across any public right-of-way except as authorized by the Township Board and County Road Commission for special community events only. Banners strung across US-23 will also require the permission of the Michigan Department of Transportation.
 - 3. Banners found to be in a torn, damaged or unsafe condition shall be removed by the owner within three (3) days after receipt of notice from the Zoning Administrator.

4. Off Premises Directional Sign:

- 1. One (1) off premises directional sign not exceeding twenty (20) square feet per sign face shall be allowed and shall not exceed a total of two (2) per use.
- 2. Permission for the location of directional signs shall be secured by the owner of such signs from the property owner of the property on which such sign is located.

5. Vehicle Signs:

- 1. A vehicle sign shall only be located on the property where the advertising message pertains to the business or use occurring on the property.

2. A set back of not less than twenty (20) feet from street rights-of-way for the vehicle sign shall be maintained at all times.
3. Such signs shall be permitted for not to exceed seven (7) days in any one (1) month.

Section 22.08 PERMITTED SIGNS IN the I-1 DISTRICT

1. All sign types allowed and as controlled for in the C-2 and C-3 business districts shall apply to the I-1 Industrial District. Billboards shall be permitted according to the following conditions.
 - A. Area and Height Limitations: No billboard may be erected or maintained of a greater surface area than three hundred (300) square feet or of a greater overall height above the ground than thirty-five (35) feet, or the bottom of which extends to within less than three (3) feet above the ground surface.
 - B. Location: Billboards may be erected only in the I-1 Industrial District. No billboard may be erected or maintained within five hundred (500) feet of any public park, recreation ground, public reservation, bridge, school or church nor within fifty (50) feet of street lines at any street intersection and shall have a minimum setback from the front property line of twenty-five (25) feet or shall meet the setback of the district, whichever is greater.
 - C. Spacing: Billboards shall be located no closer to one another than one thousand (1,000) feet. Each sign area will constitute one billboard.
 - D. All billboards must be constructed with a monopole-type support structure.
 - E. Electronic Message Center (EMC): No more than two hundred (200) square feet of any billboard sign shall be an electronic message center.
 1. All EMC signs shall have automatic dimming controls, either by photocell (hardwired) or via software settings in order to reduce the EMC lighting level at night down to a maximum luminance level of seven hundred fifty (750) cd/m² or Nits at least one-half hour before sunset as determined by the National Oceanic and Atmospheric Administration (NOAA). The sign must comply with this maximum luminance level throughout the night until sunrise, at which time the sign may resume luminance levels appropriate for daylight conditions, when required or appropriate.
 2. Flashing and full motion video or film display is not permitted. Full motion video as described shall be permitted by special exception only.

Section 22.09 PROHIBITED SIGNS

1. The following signs are prohibited within the Township:
 - A. It shall be unlawful for any person to display upon any sign or other advertising structure any obscene matter.
 - B. Signs, which incorporate in any manner any flashing, moving lights or animation.
 - C. String lights used in connection with business premises for commercial purposes, other than Holiday decorations.
 - D. Any sign unlawfully installed, erected or maintained.
 - E. Signs on trees or utility poles, on public property.
 - F. Any sign on the roof of any building except signs on mansard roofs.

G. Freestanding signs.

Section 22.10 SIGN PERMITS

1. **Permit Required:** Except as provided in (2) below, it shall be unlawful for any person to erect, alter or relocate within the Township any sign or other advertising structure without first obtaining a permit from the Zoning Administrator and making payment of fee or fees as provided below. Sign permits are not transferable between owners and any changes in the name of a business on a sign shall require a permit. Painting, repainting, servicing or cleaning of sign, or the changing of the advertising copy or message thereon shall not be considered an erection or alteration which requires a sign permit unless structural change is made. The changing of a name on all nonconforming signs shall be considered an alteration and said sign shall be made to conform to the requirements of this Section. Repair to a conforming sign damaged by winds, vandalism, fire or an act of God shall not require a permit provided each repair restores sign to original design and meets all necessary structural and electrical codes. Permits for change of copy on billboards may be issued on an annual basis for each billboard face by the Zoning Administrator at a fee as provided herein.
2. **Signs Not Requiring a Permit:** It shall be unlawful for any person to erect, alter or relocate any sign within the Township of AuSable as defined in this Ordinance without first obtaining a permit from the Zoning Administrator with the exception of the following:
 - A. Wall signs, which are used as nameplates, not exceeding two (2) square feet in area; occupational signs denoting only the name and profession of the occupants in a commercial, public or other institutional building and not exceeding two (2) square feet in area.
 - B. Memorial signs or tablets, names of buildings, and date of erection when cut into any masonry surface or when constructed of bronze or aluminum.
 - C. Traffic or other municipal signs, legal notices, danger and such temporary emergency or non-advertising signs as may be approved by the Township.
 - D. Sign advertising the rental, sale or lease of the property upon which it is located.
 - E. Gasoline price signs not exceeding six (6) square feet on pump islands.
 - F. Directional signs regulating on-site traffic and parking with not more than six (6) square feet of sign area.
 - G. Flags bearing the official design of a nation, state, municipality, educational institution, organization, or as approved by the Building Department.
 - H. Barber poles when a minimum of seven (7) feet above the pedestrian right-of-way.
 - I. Window signs (mounted, attached or lettered on the inside of store windows) and all other interior signs shall not be regulated.
 - J. Menu boards at drive through restaurants with a maximum size of sixty (60) square feet.
3. **Application for Sign Permit:** Applications for permits shall be made upon forms provided by the Zoning Administrator and shall contain or have attached thereto the following information:
 - A. Name, address and telephone number of the applicant.
 - B. Location of building, structure or lot to which or upon which the sign or other advertising structure is to be attached or erected.
 - C. Position of the sign or other advertising structure in relation to nearby buildings or structures.

- D. One (1) blueprint or drawing of the plans and specifications and methods of construction and attachment to the building or in the ground.
 - E. Name of person, firm, corporation or association erecting structure.
 - F. Written consent of the owner where the sign is to be erected on vacant land.
 - G. In all cases where wiring is to be used in connection with the structure, it shall comply with the National Electrical Code. The Electrical Inspector shall approve and affix his signature to said permit.
 - H. Such other information as the Zoning Administrator shall require to show full compliance with this and all other Ordinances of the Township.
4. **Sign Permit Issued if Application in Order:** It shall be the duty of the Zoning Administrator, upon the filing of an application for an erection permit, to examine the plans and specifications and other data and the premises upon which it is proposed to erect the sign or other advertising structure, and if it shall appear that the proposed structure is in compliance with all requirements of the Township, he shall then issue the erection permit. In the case of illuminated signs, both an electrical permit and an erection permit must be issued.
 5. **Sign Permit Fee:** It shall be unlawful in the Township of AuSable for any person to erect or alter any sign, except those signs specifically exempted herein, unless a permit shall first have been obtained from the Zoning Administrator for such erection or alteration, and a permit fee paid to the Township according to the schedule as shall be established from time to time by resolution of the Township Board.

Sign Permit Revocable at Any Time: All rights and privileges accrued under the provision of this Article or any amendment thereto may be revoked upon the violation of any of the conditions contained herein. If the work authorized under an erection permit has not been completed within four (4) months after date of issuance, the said permit shall become null and void.

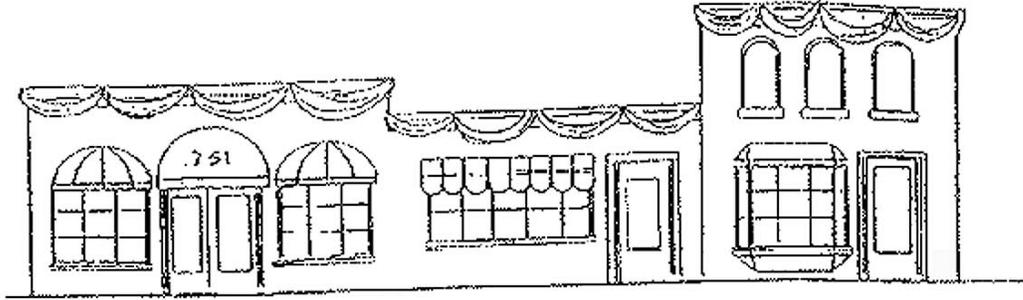
Section 22.11 SIGNS PLACED ON NONCONFORMING USES

A nonconforming use shall be permitted to erect signs abiding by the same ordinance regulations allowed for a conforming use in the district where the use is located.

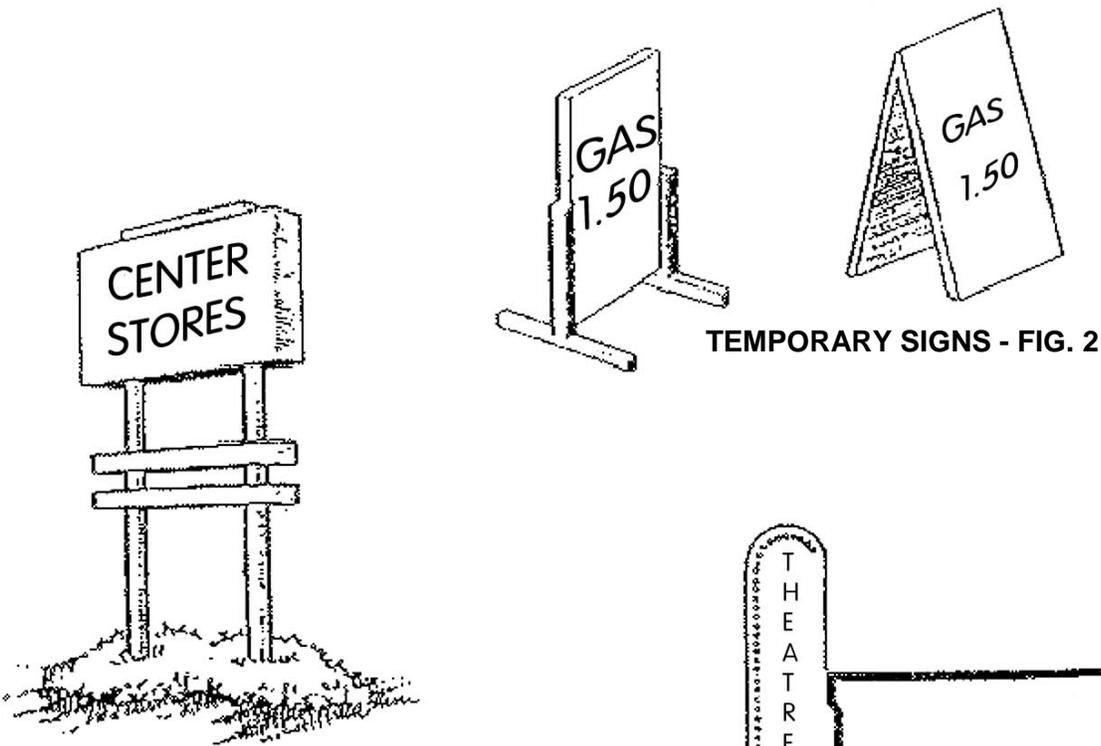
Section 22.12 UNSAFE AND DAMAGED SIGNS AND SIGN MAINTENANCE

1. **Unsafe Signs:** When any sign becomes insecure, in danger of falling, or otherwise unsafe, or if any sign shall be unlawfully installed, erected or maintained in violation of any of the provisions of this Ordinance, the owner or lessee shall, upon receipt of a written notice from the Zoning Administrator, forthwith in the case of immediate danger, and in any case not more than twenty-four (24) hours, make such sign conform to the provisions of this Ordinance or shall cause it to be removed. If the order is not complied with within twenty-four (24) hours, the Zoning Administrator may remove such sign at the expense of the owner or lessee. If such expense is not paid, the Township shall have a lien on the property and such cost shall be added to the tax bill for the property.
2. **Damaged Signs:** Any sign or advertising structure or supporting structure, which is torn, damaged, defaced or destroyed, shall be repaired, replaced or removed within ten (10) days of the damage. If a sign or structure is torn, damaged, defaced or destroyed and not repaired or replaced within ten (10) days of said casualty, the Zoning Administrator shall issue a written notice to the owner or lessee of the sign requiring the repair, replacement or removal within twenty (20) days. In the event said owner or lessee does not remove said sign pursuant to said notice, or cannot establish a good faith effort to comply, the Zoning Administrator is authorized to cause removal of such sign and any expense incident thereto shall be paid by the owner or lessee of the sign or, if such person cannot be found, by the owner of the building or structure or property to which such sign or structure is affixed.

3. **Sign Maintenance:** All signs, together with all their supports, braces, guys and anchors, shall be maintained in good working order; and when not galvanized or constructed of approved corrosion-resistant, noncombustible materials, shall be painted when necessary to prevent corrosion. The exteriors of all signs, supporting members, painted surfaces, advertising materials and lettering shall be kept painted and in good repair, so as to present a neat and orderly appearance. All bulbs or component parts of the sign, including the electrical switches, boxes and wiring used in the illumination of the sign must be well maintained and in good repair. It shall be the duty and responsibility of the owner or lessee of every sign to maintain the immediate premises occupied by the sign in a clean, sanitary and healthful condition. The Zoning Administrator may order the removal of any sign that is not maintained in accordance with the provisions of this Ordinance.

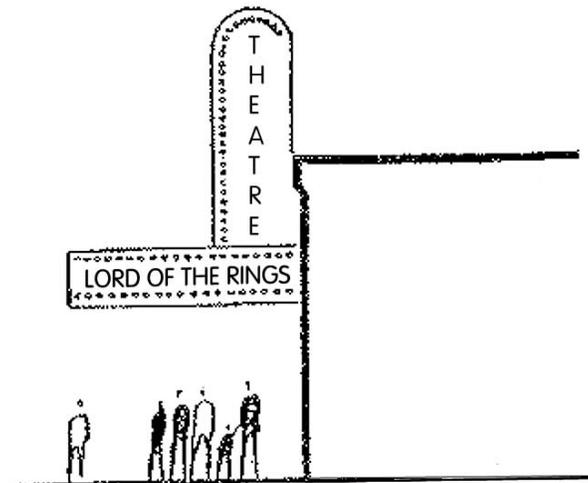


DECORATIVE DISPLAY – FIG. 1



TEMPORARY SIGNS - FIG. 2

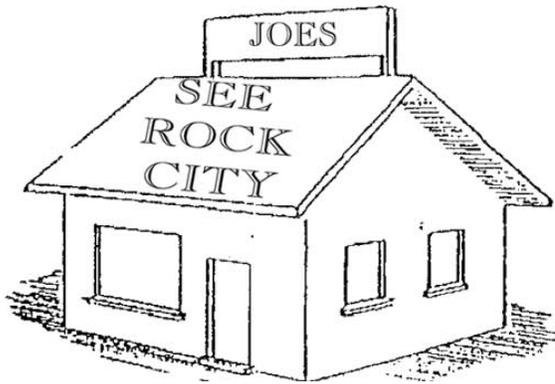
POLE SIGN – FIG. 3



MARQUEE SIGN – FIG. 5



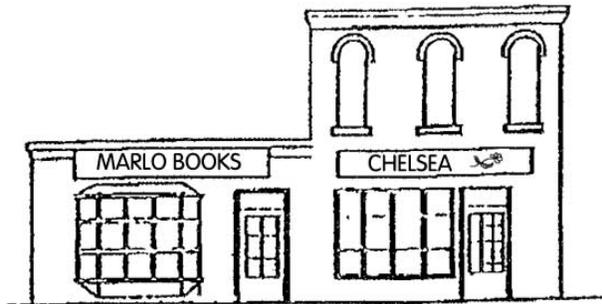
PORTABLE SIGN – FIG. 4



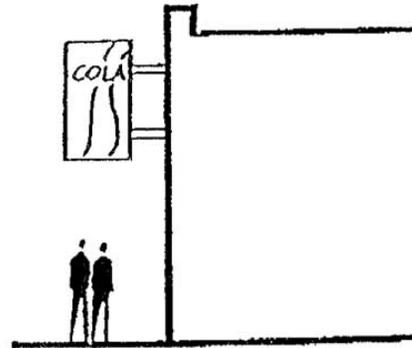
ROOF SIGNS – FIG. 6



REAL ESTATE SIGN – FIG. 7



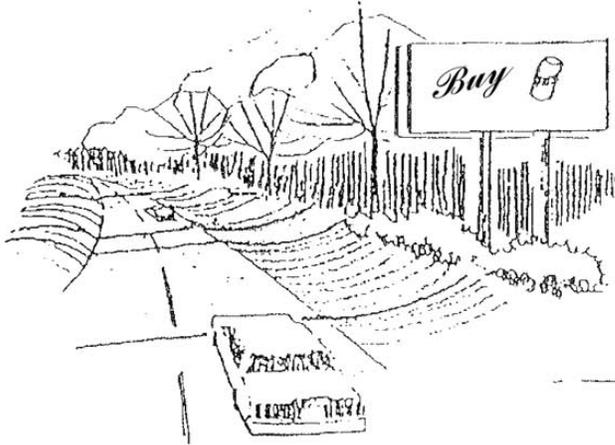
WALL SIGNS – FIG. 9



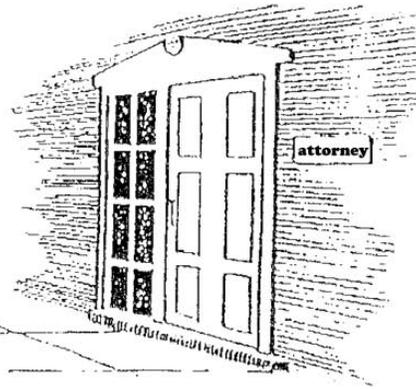
PROJECTING SIGN – FIG. 8



TEMPORARY SIGNS – FIG. 10



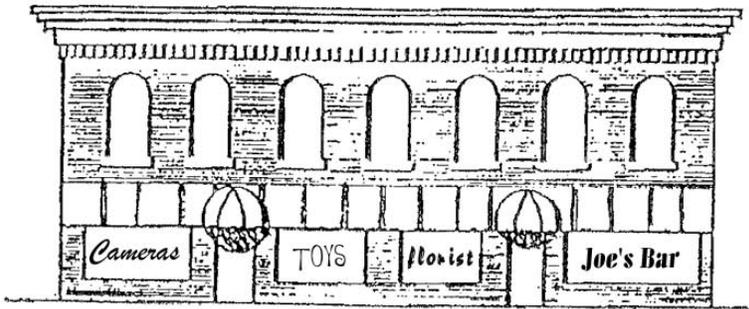
BILLBOARD – FIG. 11



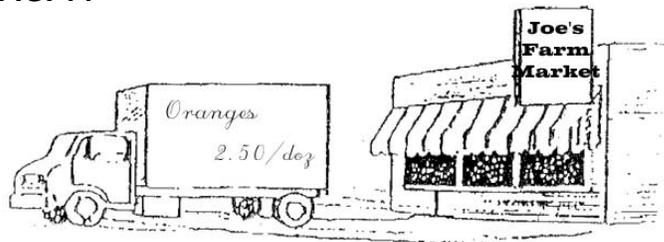
IDENTIFICATION NAME PLATE – FIG. 12



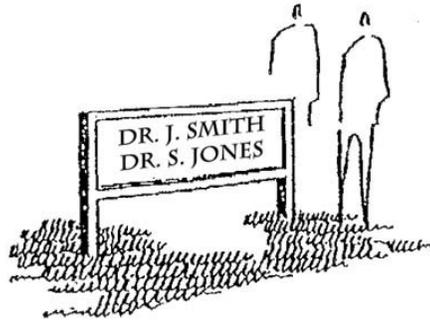
BANNER SIGN – FIG. 13



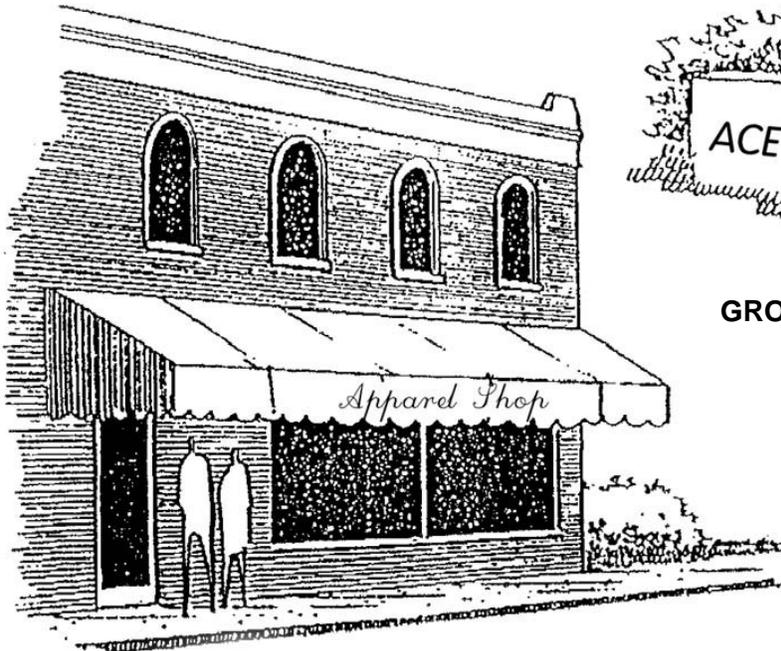
WINDOW SIGN – FIG. 14



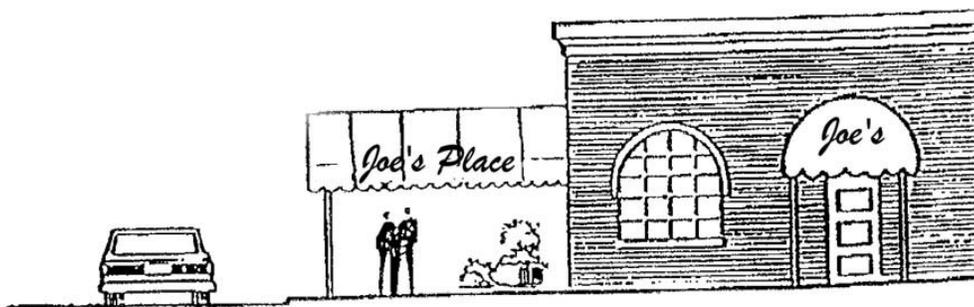
VEHICLE BUSINESS SIGN – FIG. 15



GROUND SIGNS – FIG. 16



AWNING SIGN – FIG. 17



CANOPY SIGNS – FIG. 19

Article 23

LANDSCAPING AND SCREENING

Section 23.01 INTENT

The intent of this Section is to promote the public's health, safety, and general welfare by: minimizing noise, air, and visual pollution; improving the appearance of off-street parking and other vehicular use areas; requiring buffering between incompatible land uses; regulating the appearance of property abutting public rights-of-way; protecting and preserving the appearance, character, and value of the community and its residential neighborhood areas; preventing soil erosion and soil depletion; and promoting soil water retention.

Section 23.03 LANDSCAPE PLAN REQUIRED

A separate detailed landscape plan shall be required to be submitted as part of a site plan review (see Article 6). The landscape plan shall identify all buffer areas (see Section 23.04), site landscaping (see Section 23.06), and parking lot landscaping (see Section 23.05), and shall include, but not necessarily be limited to, the following items:

- A. Location, spacing, size, and root type [bare root (BR) or balled and burlapped (BB)] and descriptions for each plant type proposed for use within the required landscape area.
- B. Minimum scale: 1" = 100'.
- C. Existing and proposed contours on-site and one hundred fifty (150) feet beyond the site at intervals not to exceed two (2) feet.
- D. Typical straight cross-section including slope, height, and width of berms and type of ground cover, or height and type of construction of wall or fence, including footings.
- E. Significant construction details to resolve specific site conditions, such as tree wells to preserve existing trees or culverts to maintain natural drainage patterns.
- F. Planting and staking details in either text or drawing form to ensure proper installation and establishment of proposed plant materials.
- G. Identification of existing trees and vegetative cover to be preserved.
- H. Identification of grass and other ground cover and method of planting.
- I. Identification of landscape maintenance program including a statement that all diseased, damaged, or dead materials shall be replaced in accordance with standards of this Ordinance.

Section 23.04 BUFFER AREAS

1. **Side and Rear Yard Buffer Areas:** All commercial and industrial land uses for which a site plan is required shall be screened by a solid wall or fence along all adjoining side and rear yard boundaries with residentially zoned property or with other commercial or industrially zoned property located in a different district. Such walls and fences shall be six (6) feet or more in height as measured on the side of the proposed wall having the higher grade.
 - A. Where there is a need to provide a greater noise or dust barrier or to screen more intense development not adequately screened by a solid fence, a solid wall shall be required by the approving body. Such wall shall be six (6) feet or more in height as measured on the side of the proposed wall having the higher grade.

2. **Front Yard Buffer Areas:** A strip of land with a minimum width equal to the front yard setback of its zoning classification shall be located abutting the right-of-way of a minor or major thoroughfare, and shall be landscaped with a minimum of one (1) tree not less than twelve (12) feet in height or a minimum caliper of two and one half (2½) inches (whichever is greater at the time of planting) for each thirty (30) lineal feet, or major portion thereof, of frontage abutting said right-of-way. The remainder of the front yard buffer area shall be landscaped in grass, ground cover, shrubs, and/or other natural, living, landscape material. 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 23.05 PARKING LOT, LOADING AREA, AND TRASH STORAGE LANDSCAPING AND SCREENING

1. Separate landscaped areas shall be required either within or at the perimeter of parking lots and shall not be considered as part of a front, side, or rear yard buffer area. There shall be provided a minimum of one (1) tree for every eight (8) parking spaces. A minimum distance of three (3) feet shall be established between proposed tree or shrub plantings and the edge of curbing and pavement.
2. Where a parking area containing more than four (4) parking spaces is within one hundred (100) feet of a Residential district, a vegetative screen or fence shall be installed to fully screen views to the parking area from the neighboring Residential district pursuant to Section 23.04. This provision shall not apply to roadside stands or uses granted a temporary zoning permit.
3. All loading and unloading areas and outside storage areas, including areas for the storage of trash which abut another District or residential property or which face or are visible from residential properties or public thoroughfares, shall be screened according to Section 23.04.

Section 23.06 SITE LANDSCAPING

1. In addition to any buffer area or parking lot landscaping required by this Article, at least ten (10) percent of the site area, excluding existing thoroughfare right-of-way, shall be landscaped with grasses and other live groundcovers, planting beds, and trees, or combinations thereof, except that a minimum of one (1) tree per ten thousand (10,000) square feet of lot area, or fraction thereof, shall be provided. Existing undisturbed vegetation may be used to meet the requirements of this Section at the discretion of the approving body.

Section 23.07 MINIMUM STANDARDS OF LANDSCAPE ELEMENTS

1. **Quality:** Plant material and grasses shall be of generally acceptable varieties and species, free of insects and diseases, hardy to the climate, conform to the current minimum standard of the American Association of Nurserymen, and shall have proof of any required governmental regulations and/or inspections. Plant species, which are generally considered undesirable due to limited disease tolerance, low wood strength, and/or high tendencies toward splitting of wood, such as box elder, mulberry, and willows, are not permitted unless specifically authorized otherwise by the approving body.
2. **Composition:** A mixture of plant material, such as evergreen, deciduous trees and shrubs, is recommended as a protective measure against insect and disease infestation. A limited mixture of native hardy species is recommended rather than a large quantity of different species, to produce a more aesthetic, cohesive design and avoid a disorderly appearing arrangement.
3. **Berms:** Berms shall be constructed with slopes not to exceed a 1:3 gradient with side slopes designed and planted to prevent erosion, and with a rounded top surface a minimum of three (3) feet in width at the highest point of the berm, extending the length of the berm.
4. **Existing Trees:**
 - A. If existing plant material is labeled "To Remain" on site plans by the applicant or required by the Township, protective techniques, such as, but not limited to, fencing or barriers placed at the dripline around the perimeter of the plant material shall be installed during construction. No vehicle or other construction equipment shall be parked or stored within the dripline of any plant

material intended to be saved. Other protective techniques may be used provided such techniques are approved by the Township.

- B. 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 Township, the applicant shall replace them with trees which meet Ordinance requirements.

Section 23.08 INSTALLATION, MAINTENANCE AND COMPLETION

1. All landscaping required by this Ordinance shall be planted prior to obtaining a Certificate of Occupancy or within six (6) months of receipt of such Certificate.
2. 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.
3. The owner of property required to be landscaped by this Ordinance shall maintain such landscaping in a reasonably healthy condition, free from 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. All landscaped areas shall be provided with a readily available and acceptable water supply.

Section 23.09 FENCING, WALLS AND RETAINING WALLS

1. **Required Fencing** – Fences and Walls shall be provided according to the provisions of Section 23.04 and 23.05 in addition to the following:
 - A. **Mechanical Equipment:** When located outside of a building, support equipment including air conditioning and heating devices and water and gas meters, but not including plumbing or exhaust vents or chimneys, are to be screened from the view of the street or surrounding properties by landscaping, a solid wall, or fencing, to the height of the particular piece of equipment. (This subsection does not apply to single-family or two-family residential uses, or to any use in an Industrial District unless it abuts a Residential District).
 - B. **Outdoor Storage in Commercial and Industrial Districts:** To be screened on all sides by a solid wall or fencing of not less than six (6) feet in height.
 - C. **Public Utility Substations In Any District:** To be screened on all sides by a solid wall or fencing of not less than six (6) feet in height, and live landscape materials.
 - A. **Swimming Pools:** See Section 18.04.
2. **Regulations for Fencing, Walls, and Retaining Walls**
 - A. **Fence Types Allowed**
 - 1) Chain Link
 - 2) Split Rail
 - 3) Privacy Fence
 - 4) Decorative Fence
 - 5) Wrought Iron
 - 6) Post and wire (allowed in R-NR only on parcels of five (5) acres or more)

- 7) Barrier Fences containing barbed wire, electrical charges or sharp materials at the top of a fence or wall are prohibited unless needed to protect the public safety or manage livestock and approved by the zoning administrator.

B. Height

- 1) **Residential Districts** - Unless otherwise specified or determined by the Planning Commission or Zoning Board of Appeals, fencing and screening is to be no more than six (6) feet in height. Gateposts and other superstructures over site entrances and exits may be up to twelve (12) feet in height. Fencing and screening materials of a height greater than three (3) feet are not to be located within a required front setback or side setback adjacent to a street.
- 2) **Commercial and Industrial Districts** Unless otherwise specified or determined by the Planning Commission or Zoning Board of Appeals, fencing and screening is to be no more than eight (8) feet in height. Gateposts and other superstructures over site entrances and exits may be up to twelve (12) feet in height. Fencing and screening materials of a height greater than three (3) feet are not to be located within a required front setback or side setback adjacent to a street.

C. The finished side of fencing shall face abutting properties.

D. Walls shall be of masonry designed and constructed to facilitate maintenance and not modifying natural drainage in such a way as to endanger adjacent property. The faces of such walls are to be of face brick, poured-in-place simulated face brick, precast brick panels having simulated face brick, stone, embossed or pierced concrete block, or other decorative masonry material.

E. Retaining walls shall be constructed either as the above described walls are constructed or of landscaping timbers. The minimum end thickness shall be no less than 6"by 8". Timbers must be secured in such a wall as to not allow for bowing.

F. **Fire Hazard:** No fence shall be constructed which constitutes a fire hazard either of itself or in connection with the existing structures in the vicinity, nor which will interfere with access in case of fire to buildings in the vicinity or which will constitute a hazard to street traffic or to pedestrians.

3. Exceptions to Fencing, and Wall and Retaining Wall Requirements:

A. Location Adjustment: Where property line screening is required, the location may be adjusted so the fence or wall may be constructed at or within the setback line, provided the areas between the fence and the lot lines are landscaped, or retained in their natural vegetative state at the discretion of the Planning Commission. Retaining walls shall be placed no closer than five (5) feet from property lines unless otherwise determined by the zoning administrator that placement closer to a property line would better serve the purposes of the retaining wall without creating a negative impact on any adjacent properties.

B. Existing Screening: Any fence, screen, wall or hedge which does not conform to the provisions of this Section and which is legally existing at the effective date of this Ordinance may be continued and maintained, provided there is no physical change other than necessary maintenance and repair in such fence, screen, wall, or hedge except as permitted in other sections of this Ordinance.

Section 23.10 WAIVERS AND MODIFICATIONS

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

2. The Zoning Board of Appeals may require or waive any fencing, screening, landscaping or buffering as may be provided for in this Article as a condition of a variance or other authorization in whatever manner necessary to achieve an identified public purpose. The Zoning Board of Appeals shall record the reason for the condition and clearly specify what is required in any approval granted.

Article 24

ENVIRONMENTAL STANDARDS

Section 24.01 INTENT AND PURPOSE

The purpose of this Article is to promote a healthy environment in the Charter Township of AuSable as it relates to the Township's natural resources, sensitive ecosystems, the integrity of the Township's land, water, and air, and the quality of the Township's visual environment. All provisions of this Article apply to all structures and uses unless otherwise noted.

Section 24.02 NATURAL RESOURCES

1. **Compliance with Local, County, State, and Federal Regulations:** All land uses and construction activities shall conform with the provisions of this Ordinance and the regulations and standards of the following:
 - A. Published surface water drainage standards of the Iosco County Drain Commissioner.
 - B. Applicable fire safety and emergency vehicle access requirements of the State Construction Code, State Fire Marshal and Local Fire Code.
 - C. Soil erosion and sedimentation requirements of the Iosco County Drain Commissioner.
 - D. Requirements of the Michigan Department of Public Health and the Iosco County Health Department.
 - E. Michigan Department of Environmental Quality requirements for air and water quality protection, wetlands, stream crossings, and fills in or near water bodies or in flood plains, including the following:
 1. Provisions of the Michigan Environmental Protection Act, P.A. 127 of 1970, as amended.
 2. Provisions of the Michigan Wetlands Protection Act, P.A. 203 of 1979, as amended.
 3. Provisions of the Shorelands Protection and Management Act, P.A. 245 of 1970, as amended.
 4. Provisions of the Michigan Inland Lakes and Streams Act, P.A. 346 of 1972.
 5. Provisions of the Michigan Soil Erosion and Sedimentation Control Act, P.A. 347 of 1972, as amended.
 - F. All local, county, state and federal regulations related to loading/unloading, transport, storage, use and/or disposal of hazardous substances.
 - G. Applicable rules and regulations of the Federal Communications Commission in regard to propagation of electromagnetic radiation shall be used as standards for this Ordinance.
2. **Discharges:**
 - A. No dust, fumes, 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 any use in this district. The escape of or emission of any gas, which is injurious or destructive or explosive, is prohibited.
 - B. It shall be unlawful to discharge at any point 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, except in accord with standards approved by the Michigan Department of Environmental Quality.

- C. Radioactive materials shall not be emitted to exceed quantities established as safe by the U.S. Bureau of Standards, as amended from time to time.

3. Sensitive Lands:

- A. Where a portion of a parcel is characterized by wetlands, hydric soils, flood plains, or steep slopes, new development on the parcel shall occur on those buildable portions of the parcel void of such sensitive resources where reasonably feasible.
- B. 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.
- C. 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.

4. Clearing, Grading, and Filling: In order to protect soil resources, adjacent properties, public 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.

- A. **Clearing of a Site:** Stripping and removal of topsoil from the site is prohibited.
- B. **Flow Restrictions:** The final grade surface of ground areas surrounding a building or structure shall be designed and landscaped such that surface water flows away from the building or structure and is managed in a manner which avoids increased flow onto adjacent properties or public roads, the erosion or filling of a roadside ditch, the blockage of a public watercourse, or the creation of standing water over a private sewage disposal drainage field.
- C. **Elevation Restrictions:** Filling a parcel of land with earth or other materials to an elevation above the established grade of adjacent developed land is prohibited without the expressed written approval of the County Drain Commissioner, and approval by the Planning Commission.

Section 24.03 POTABLE WATER, SEWAGE DISPOSAL AND STORM WATER MANAGEMENT

1. Potable Water and Sewage Disposal:

- A. Any structure for human occupancy and used for dwelling, businesses, industrial, recreational, institutional, mercantile or storage purposes shall not be erected, altered, used or moved upon any premises after the effective date of this Ordinance unless said structure 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 human, commercial, and industrial wastes.
- B. All on-site sewage disposal and potable water facilities shall be constructed and maintained in accordance with the requirements and standards of the Iosco County Public Health Department as well as those of other applicable local, county, state, or federal agencies. A sanitary sewer system serving two (2) or more dwellings shall meet all federal, state, county and Township requirements for a public sanitary sewer system and shall be operated and maintained as a public system.

2. Storm Water Management:

- A. All lots shall retain storm water runoff on-site, or detain it so as to allow discharge without any impact on adjacent lands, streams or water bodies above the existing predevelopment runoff impact.
- B. No new land uses shall be permitted which will reduce the level of service currently being provided by existing storm water management infrastructure or existing drainage patterns unless necessary improvements to such infrastructure or natural drainage patterns are first made.

Section 24.04 COMMERCIAL AND INDUSTRIAL USES

All land uses and structures within commercial or industrial zoning districts shall conform to the following standards:

- A. All repair and refinishing work shall be done inside so as to avoid noxious fumes and noise.
- B. The intensity level of sounds shall not exceed the following decibel levels when adjacent to the following types of uses:

<u>Decibels (dba)</u>	<u>Adjacent Use</u>	<u>Where Measured</u>
55	Residential Dwellings	Common Lot Line
65	Commercial	Common Lot Line
70	Industrial and Other	Common Lot Line

The sound levels shall be measured with a type of audio output meter approved by the Bureau of Standards. Objectionable noises due to intermittence, beat frequency, or shrillness, shall be muffled so as not to become a nuisance to adjacent uses.

- C. All machinery shall be so mounted and operated as to prevent transmission of ground vibration exceeding a displacement of .003 of one (1) inch measured by any lot line of its source.
- D. Any operation producing intense glare or heat shall be performed within an enclosure so as to completely obscure and shield such operation from direct view from any point along the lot line except during the period of construction of the facilities to be used and occupied.

Article 25

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

Section 25.01 INTERPRETATION

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

Section 25.02 SEVERANCE CLAUSE

Sections of this Ordinance shall be deemed to be severable and should any section, paragraph, or provision thereof be declared by the courts to be unconstitutional or invalid, such holdings shall not affect the validity of this Ordinance as a whole or any other part thereof, other than the part so declared to be unconstitutional or invalid.

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

Section 25.03 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.

Section 25.04 REPEAL

All ordinances and amendments thereto enacted and/or adopted by the Township by virtue of Act 184 of the Public Acts of 1943, as amended, and all ordinances and parts of ordinances inconsistent with the provisions of this Ordinance are hereby repealed as of the effective date of this Ordinance. The repeal of existing ordinances or parts of ordinances and their amendments does not affect or impair any act done, offense committed or right accrued or acquired, or liability, penalty, forfeiture or punishment incurred prior to the time it was enforced, prosecuted or inflicted.

Appendix A

ZONING

Zoning Ordinance Book.....	\$25.00
Mailed	\$35.00
Master Plan Book.....	\$25.00
Mailed	\$35.00
Residential Zoning Permit	\$15.00
Sign Permit.....	\$15.00
Home Occupation Zoning Compliance Permit.....	\$15.00
Business Zoning Compliance Permit.....	\$15.00
Commercial Zoning Permit:	
Application.....	\$ 15.00
Scheduled Planning Commission Meeting	\$100.00
Special Planning Commission Meeting	\$325.00
Temporary Land Use Approval:	
Application.....	\$ 15.00
Scheduled Planning Commission Meeting	\$100.00
Special Planning Commission Meeting	\$325.00
Subdivision & Condominium Subdivision:	
Application.....	\$325.00
Scheduled Planning Commission Meeting	\$100.00
Special Planning Commission Meeting	\$325.00
Planned Unit Development:	
Refundable Escrow Account Deposit (Shall not fall below \$600)	\$3,000.00
Preliminary Stage I Application.....	\$800.00
Final Stage II Application.....	\$700.00
Condominium Conversion:	
Application.....	\$800.00
Refundable Escrow Account Deposit	\$3,000.00
Petition for Zoning Ordinance Amendment	\$325.00
Zoning Board of Appeals Meeting	\$325.00