

CALEDONIA TOWNSHIP

ALCONA COUNTY, MICHIGAN

ZONING ORDINANCE

Caledonia Township

Alcona County, Michigan

Caledonia Township Hall

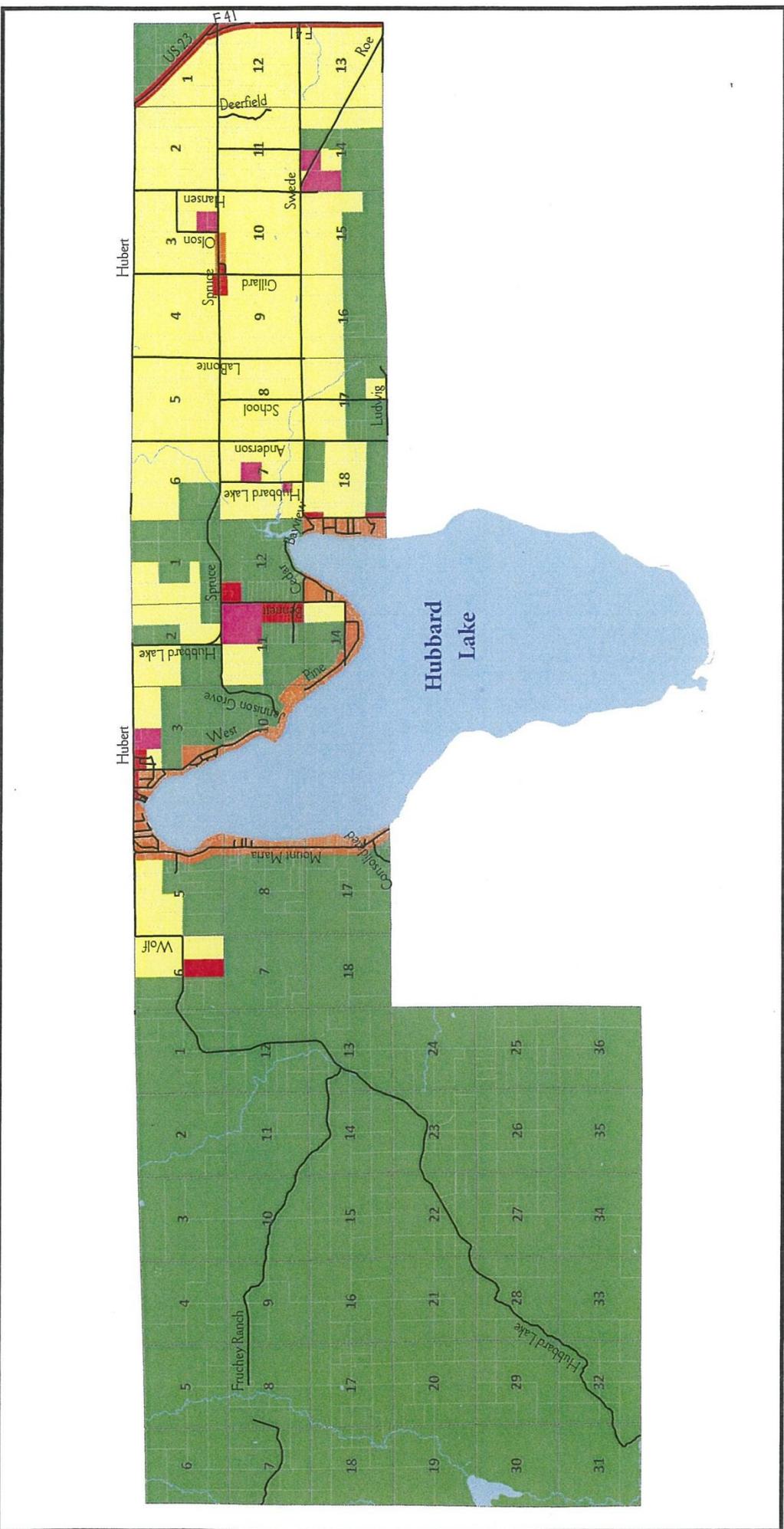
6461 Gillard Road

Spruce, MI 48762

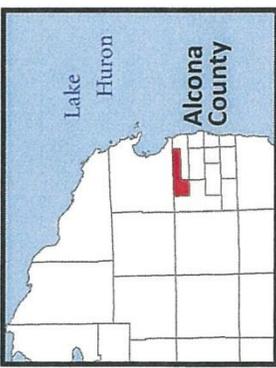
989-471-5283



Caledonia Township Zoning Map



- R-1 Single Family Residential
 - R-2 Low to Medium Density Residential
 - AG Agricultural District
 - FR Forest Recreation
 - C Commercial
 - I Industrial
- 0 0.5 1 1.5 2 Miles



Caledonia Township
Alcona County, Michigan
 Caledonia Township Hall
 6461 Gillard Rd
 Spruce, MI 48762
 989-471-5283

Map created by the
 Northeast Michigan
 Council of Governments
 GIS Department

NEMCOG

MAP UPDATED: FEBRUARY 12, 2014
 EFFECTIVE: MARCH 1, 2014

CALEDONIA TOWNSHIP ZONING ORDINANCE

**Caledonia Township
Alcona County
Michigan**

Adopted: February 12, 2014

Effective: March 1, 2014

Assistance Provided by:
Northeast Michigan Council of Governments
PO Box 457
80 Livingston Blvd., Suite U-108
Gaylord, MI 49734

CALEDONIA TOWNSHIP ZONING ORDINANCE

TABLE OF AMENDMENTS

Amendment Date	Resolution Number	Effective Date	Ordinance Section	Summary
11-25-2009	09-03	12-25-2009		ORV Ordinance
04-19-2010	01-10	06-18-2010		Outdoor burning Ordinance
02-06-2013	01-2013	04-15-2013		Cemetary Ordinance
03-29-2017	01-2017	04-28-2017	16-01	Littering and Dumping on park properties
12-13-2017	02-2017	12-13-2017	09-02	Planning Commission Reduction
09-11-2019	01-2019	09-11-2019		Prohibition of marihuana establishments
3-11-2020	01-2020	04-11-2020		Civil Infraction
03-11-2020	02-2020	04-11-2020		Blight Ordinance
12-08-2021	02 of 2021	12-22-2-21	Article 2, Article 5	Addition Solar energy ordinance standards

**TOWNSHIP of CALEDONIA
ALCONA COUNTY
STATE OF MICHIGAN
ORV ORDINANCE**

ORDINANCE NO. 09-03

AN ORDINANCE adopted for the purpose of authorizing and regulating the operation of Off Road Vehicles (ORV's) on roads in Caledonia Township, for the purpose of providing penalties for the violation thereof, and for the distribution of public funds resulting from those penalties pursuant to 2008 PA 240, MCL 324.81131.

CALEDONIA TOWNSHIP ORDAINS:

Section 1. Definitions.

As used in this Ordinance, the following definitions shall apply:

Driver License: An operator's or chauffeur's license or permit issued to an individual by the Secretary of State under Chapter III of the Michigan Vehicle Code, 1949 PA 300, MCL 257.301 to 257.329, for that individual to operate a vehicle, whether or not conditions are attached to the license or permit.

Operate: To ride in or on, and be in actual physical control of the operation of an ORV.

Operator: A person who operates or is in actual physical control of the operation of an ORV.

ORV: A motor driven off road recreation vehicle capable of cross-county travel without benefit of a road or trail, on or immediately over land, snow, ice, marsh, swampland, or other natural terrain. ORV or vehicle includes, but is not limited to, a multi-track or multi-wheel drive vehicle, an ATV, a motorcycle or related 2-wheel, 3-wheel, or 4-wheel vehicle, an amphibious machine, a ground effect air cushion vehicle, or other means of transportation deriving motive power from a source other than muscle or wind.

Road: A Township primary road or Township local road as described in Section 5 of 1951 PA 51, MCL 247.655.

Road Commission: The Board of County Road Commissioners for the County of Alcona.

Safety Certificate: A certificate issued pursuant to 1994 PA 451 as amended, MCL 324.81129, or a comparable ORV safety certificate issued under the authority of another State or a Province of Canada.

Township Township of Caledonia within the County of Alcona.

Township Board: Township of Caledonia Board of Trustees.

Visual Supervision: The direct observation of the operator with the unaided or normally corrected eye, where the observer is able to come to the immediate aid of the operator.

SECTION 2.

An ORV may be operated on the far right of the County-maintained portion of a road, i.e.; the shoulder of the road when the roadway is improved by pavement, tar and chips, concrete or other similar materials and the extreme right of the open portion of the right-of-way when the roadway is not improved by pavement, tar and chips, concrete or other similar materials within Caledonia Township. Exceptions are:

- A. Roads which the Township has designated closed;
- B. Roads designated closed by the Alcona County Road Commission; and
- C. All identified U.S. Forest Service roads and State lands.

SECTION 3.

Pursuant to MCL 324.81131(3), the Township Board of a Township in the County may adopt an ordinance authorizing the operation of ORV's on the maintained portion of one (1) or more roads located within the Township. Caledonia Township Board may adopt an ordinance to close any roads within the boundaries of the Township to the operation of ORV's permitted by the County.

SECTION 4.

The County Road Commission may close no more than thirty (30%) percent of the total linear miles of roads in the County to protect the environment or if the operation of ORV's pose a particular and demonstrable threat to public safety.

SECTION 5.

An ORV may not be operated on the road surface, roadway, shoulder or right-of-way of any State or Federal highway in the County.

SECTION 6.

Except as set forth herein or otherwise provided by law, an ORV meeting all of the following conditions may be operated on a road or street in Caledonia Township:

- A. At a speed of no more than 25 miles per hour or a lower posted ORV speed limit;
- B. By a person not less than 12 years of age;
- C. With the flow of traffic;
- D. In a manner which does not interfere with traffic on the road or street;
- E. Traveling single file except when overtaking and passing another ORV;
- F. When visibility is not substantially reduced due to weather conditions unless displaying a lighted headlight and a lighted taillight;
- G. One half (1/2) hour before sunrise until one half (1/2) hour after sunset unless displaying a lighted headlight and a lighted taillight;
- H. While displaying a lighted headlight and a lighted taillight at all hours beginning January 1, 2010;
- I. While the operator and each passenger is wearing a crash helmet and protective eyewear approved by the United States Department of Transportation, unless the vehicle is equipped with a roof that meets or exceeds standards for a crash helmet and the operator and each passenger is wearing a properly adjusted and fastened seat belt;
- J. With a throttle so designed that when the pressure used to advance the throttle is removed, the engine speed will immediately and automatically return to idle;
- K. While the ORV is equipped with a spark arrestor type United States Forest Service approved muffler in good working order and in constant operation;
- L. Pursuant to noise emission standards defined by law; and
- M. Complying with all requirements in PA 240 of 2008.

SECTION 7.

A child less than 16 years of age shall not operate an ORV on a road or street in Caledonia Township unless the child is under the direct visual supervision of an adult and the child has in his or her immediate possession a Michigan issued ORV safety certificate or a comparable ORV safety certificate issued under the authority of another State or a Province of Canada.

SECTION 8.

Unless a person possesses a valid drivers license, a person shall not operate an ORV on a road or street in Caledonia Township if the ORV is registered as a motor vehicle and is either more than sixty (60) inches wide or has three (3) wheels.

SECTION 9.

Any person who violates this Ordinance is guilty of a municipal civil infraction and may be ordered to pay a civil fine of not more than \$500.00.

SECTION 10.

A court may order a person who causes damage to the environment, a road or other property as a result of the operation of an ORV to pay full restitution for that damage above and beyond the penalties paid for civil fines.

SECTION 11.

The County Treasurer shall deposit all fines and damages collected under this Ordinance into a fund to be designated as the ORV Fund. The County Board of Commissioners shall appropriate revenue in the ORV Fund as follows:

- A. Fifty (50%) percent to the County Road Commission for repairing damage to roads and the environment that may have been caused by ORV's, and for posting signs indicating ORV speed limits, or indicating whether roads are open or closed to the operation of ORV's.
- B. Fifty (50%) percent to the County Sheriff for ORV enforcement and training.

SECTION 12.

Within three (3) years, a review will take place by the Township of Caledonia Board of Trustees to determine if the ORV Ordinance will remain in effect.

Section 13.

This Ordinance is adopted by action of the Caledonia Township Board of Trustees at their regular meeting on November 11, 2009.

This Ordinance becomes effective 30 days after publication.

NOTE: Published November 25, 2009. Effective December 25, 2009.

TOWNSHIP OF CALEDONIA OUTDOOR AND OPEN BURNING ORDINANCE

Ordinance Number: 10 – 01

An Ordinance to promote the public health, safety and general welfare of the citizens of the Township of Caledonia and to safeguard comfort and living conditions by regulating air pollution and fire hazards of open burning and outdoor burning.

SECTION 1. Purpose

It is the purpose of this Ordinance to regulate the types of outdoor and open burning within the Township and to promote the public health, safety and general welfare of the citizens of the Township of Caledonia.

SECTION 2. Applicability

This Ordinance applies to all outdoor burning and open burning within the Township of Caledonia in the Residential (R), Residential Lakeshore (RL) and Lakeshore Development (LS) Districts.

- A. This Ordinance does not apply to grilling or cooking food using charcoal, wood, propane or natural gas in cooking or grilling appliances.
- B. This Ordinance does not apply to burning for the purpose of generating heat in a stove, furnace, fireplace or other heating device within a building used for human or animal habitation.
- C. This Ordinance does not apply to the use of propane, acetylene, natural gas, gasoline or kerosene in a device intended for heating, construction or maintenance activities.
- D. Section 321 in the Rural Zoning Ordinance contains the Outdoor Furnace Requirements.

SECTION 3. General Prohibition on Outdoor Burning and Open Burning

Open burning and outdoor burning are prohibited in the Township of Caledonia in the Residential (R), Residential Lakeshore (RL) and Lakeshore Development (LS) Districts unless the burning is specifically permitted by this Ordinance.

SECTION 4. Open Burning of Refuse

- A. Open burning of refuse is allowed in all Districts if the following conditions are met:
 - (1) The burning does not create a nuisance.
 - (2) The burning is conducted in a container constructed of metal or masonry with a metal covering device that does not have an opening larger than $\frac{3}{4}$ inch.
 - (3) A permit to burn is obtained from the DNRE.
- B. The material being burned is not prohibited under subsection C.
- C. Open burning of the following materials is prohibited:

- (1) Construction and demolition waste.
- (2) Hazardous substances including but not limited to batteries, household chemicals, pesticides, used oil, gasoline, paints, varnishes and solvents.
- (3) Furniture and appliances.
- (4) Tires.
- (5) Any plastic materials including but not limited to nylon, PVC, ABS, polystyrene or urethane foam, synthetic fabrics, plastic films and plastic containers.
- (6) Treated or painted wood including but not limited to plywood, composite wood products or other wood products that are painted, varnished or treated with preservatives.

SECTION 5. Patio Wood-Burning Units

Patio wood-burning units may be installed and used in all Districts with all of the following provisions:

- A. Patio wood-burning units shall not be used to burn refuse.
- B. Patio wood-burning units shall burn only clean wood.

SECTION 6. Campfires

Campfires are permitted in all Districts.

SECTION 7. Burning of Natural Materials

The burning of natural materials are permitted in all Districts. A permit to burn must be obtained from the DNRE.

SECTION 8. Severability

If any section, subsection, clause, paragraph or provision of this Ordinance shall be adjudged invalid by a court of competent jurisdiction, such adjudication shall only apply to the said portion thereof adjudicated invalid, and the full remaining portions or parts of this Ordinance shall remain in full force and effect.

SECTION 9. Publication

The Township Clerk shall publish this Ordinance in the manner required by law, including notice of the fact that a complete copy of this Ordinance is available at the office of the Clerk for inspection by the public at all times.

SECTION 10. Effective Date

This Ordinance shall become effective thirty (30) days after publication.

Date of Publication: May 19, 2010

Effective Date of Ordinance: June 18, 2010

DEFINITIONS FOR OUTDOOR AND OPEN BURNING ORDINANCE:

Campfire: A small outdoor fire intended for recreation or cooking but not intended for disposal of waste wood or refuse.

Clean Wood: Natural wood which has not been painted, varnished or coated with a similar material; has not been pressure treated with preservatives; and does not contain resins or glues as in plywood or other composite wood products.

Construction and Demolition Waste: Building waste materials, including but not limited to waste shingles, insulation, lumber, treated wood, painted wood, wiring, plastics, packaging and rubble from construction, remodeling, repair and demolition operations on a house, commercial or industrial building, or other structure.

Natural Materials: Trees, logs, brush, stumps, leaves and grass clippings.

Nuisance: Any foul or offensive odor or smoke emission that is reasonably offensive to occupants of surrounding property.

Outdoor Burning: Open burning or burning in an outdoor wood-fired boiler or patio wood-burning unit.

Outdoor Wood-Fired Boiler: A wood-fired boiler, stove or furnace that is not located within a building intended for habitation by humans or domestic animals.

Patio Wood-Burning Unit: A chimnea, patio warmer or other portable wood-burning device used for outdoor recreation and/or heating.

Refuse: Any waste material except trees, logs, brush, stumps, leaves and grass clippings.

CALEDONIA TOWNSHIP
COUNTY OF ALCONA, MICHIGAN
CEMETERY ORDINANCE NO. 13-001

DEFINITIONS OF BURIAL PLOTS AND BURIAL SPACES

The Cemetery is divided into three (3) sections. The original and 1st addition have burial spaces measuring 8 feet X 4 feet and the 2nd addition has burial spaces measuring 10 feet X 4 feet.

- A. Each burial space shall cost one hundred fifty dollars (\$150.00).
- B. The Township Board may periodically alter the foregoing fees to accommodate increased costs.

GRAVE OPENING CHARGES

- A. The Township will not be responsible for the opening and closing of graves.
- B. Grave opening charges shall be handled through Funeral Directors.
- C. On gravesites containing an existing stone which cannot be moved by hand for burial, the additional cost to move and replace the existing stone shall be handled through the Funeral Director.
- D. Damages to grave markers are not the responsibility of the Township.

MARKERS OR MEMORIALS

- A. All markers or memorials must be made of stone or other equally durable composition.
- B. Any large, upright monuments must be located upon a suitable solid foundation to maintain the same, in an erect position.

INTERMENT REGULATIONS

- A. Only one (1) person may be buried in a burial space except for one (1) parent and infant, or two (2) children buried at the same time, or the remains of two (2) cremated bodies. Only one (1) headstone may be used on each burial space.
- B. The appropriate permit for the burial space involved, together with appropriate identification of the person to be buried therein, where necessary, shall be presented to the Township Clerk/Cemetery Sexton prior to interment. The Funeral Director shall furnish the Township Clerk/Cemetery Sexton with a death certificate and burial location.
- C. All burial spaces shall be located in an orderly and neat appearing manner within the confines of the burial plot involved.
- D. A burial space owner may sell or gift a burial space to another individual after notifying the Township Clerk/Cemetery Sexton. The Township Clerk/Cemetery Sexton will then transfer the burial space to the new owner.

GROUND MAINTAINANCE

- A. No trees shall be planted. Flowers and small shrubs may be planted at owner's risk.
- B. The Township Board reserves the right to remove or trim any tree, plant or shrub located within the Cemetery in the interest of maintaining proper appearance and use of the Cemetery.
- C. The Township Board shall have the right and authority to remove and dispose of any and all growth, emblems, displays or containers, that through decay, deterioration, damage or otherwise become unsightly, a source of litter, or a maintenance problem.
- D. Mounds, which hinder the free use of a lawn mower or other gardening apparatus, are prohibited.
- E. All refuse of any kind including dried flowers, wreaths, papers, and flower containers, among others, must be removed and disposed of properly.
- F. Artificial, cut or potted flowers, wreaths, and grave blankets are permissible. Grave blankets can be affixed after October 1st and removed by May 15th.
- G. Future permanent retaining walls are prohibited.

RECORDS

The Township Clerk/Cemetery Sexton shall maintain records concerning all burials, and or burial permits, separate and apart from any records of the Township, and the same shall be open to public inspection at all reasonable business hours.

CEMETERY HOURS

- A. The Cemetery shall be open to the general public during daylight hours. NO person shall be permitted in the Township Cemetery at any other time without permission of the Township Board.
- B. Access to the Cemetery is seasonal -- the roads are not plowed in the winter.
- C. All unauthorized off-road vehicles are prohibited in the Cemetery at all times.

This ordinance shall become effective 30 days after its publication as required by law.

Resolution to adopt was passed at the regular meeting February 6, 2013, of the Caledonia Township Board. 5 Ayes, 0 Nays

Helen Timm
Caledonia Township Clerk

Published in Alcona County Review February 13, 2013
Effective date is March 15, 2013

**TOWNSHIP OF CALEDONIA
ALCONA COUNTY, MICHIGAN**

ORDINANCE No. 2 of 2017

AN ORDINANCE TO AMEND THE CALEDONIA TOWNSHIP PLANNING COMMISSION ORDINANCE #09-02 TO REDUCE MEMBERSHIP ON THE PLANNING COMMISSION FROM 7 TO 5 MEMBERS AS WELL AS TO UPDATE THE ORDINANCE.

As required by the Michigan Planning Enabling Act, MCL 235.3801, *et. seq.*, also known as Public Act 33 of 2008, as amended, the Planning Commission for the Township of Caledonia, Alcona County, Michigan, was created by the Planning Commission Ordinance No. 09-02, with an effective date of July 22, 2009, for the purpose of having planning and zoning in the Township of Caledonia, to create, organize, enumerate powers and duties, and to provide for the regulation and subdivision of land, coordinated and harmonious development of the Township of Caledonia, and to function in cooperation with other constituted authorities of incorporated and unincorporated areas within the State where the Township of Caledonia exists.

THE TOWNSHIP OF CALEDONIA DOES ORDAIN THAT THE PLANNING COMMISSION ORDINANCE IS HEREBY AMENDED TO READ AS FOLLOWS:

1. CREATION:

There shall be a Caledonia Township Planning Commission pursuant to P.A. 33 of 2008, as amended, being the Michigan Planning Enabling Act, M.C.L. 125.3801 *et. seq.*, hereinafter referred to as the Commission with the powers and duties as therein set forth as hereinafter provided. This Ordinance shall be officially known and described as the "Caledonia Township Planning Commission Amending Ordinance #1."

2. MEMBERSHIP:

- A. The Commission shall consist of five (5) members appointed by the Caledonia Township Board of Trustees. To be qualified as a member and remain a member of the Planning Commission, the individual shall meet the following qualifications:

- (1) Shall be a qualified elector of Caledonia Township, except that one member may be a non-qualified elector;
- (2) At time of appointment shall not be a declared candidate for any political office, except this condition shall not apply to the Township Board of Trustees' representative to the Commission (Section 2C of this Ordinance);
- (3) After an individual's first appointment and before reappointment, shall have attended a minimum of 4 hours annually of training for Commission members (Section 6 of this Ordinance);
- (4) Shall meet the conditions provided for each individual member in Section 2D of this Ordinance, except the geographical location of the individual's residency may be considered optional.

- B. Members shall be appointed for three-year terms. The terms of two (2) Commission members shall expire each year on December 31st at 9:00 a.m. of the respective year.
- C. One member shall also be a member of the Township Board of Trustees, whose term of office shall coincide with his/her elected term of office on the Township Board of Trustees.
- D. The membership shall be representative of the important segments of the community, such as the economic, governmental, educational, and social development of the Township of Caledonia, in accordance with the major interests as they exist in the Township of Caledonia, as follows:
- Agriculture;
 - Natural Resources
 - Recreation/Tourism;
 - Education;
 - Public Health;
 - Government;
 - Transportation;
 - Industry; and
 - Commerce.
- E. The membership shall also be representative of the entire geography of the Township of Caledonia to the extent practicable, and as a secondary consideration to the representation of the major interests.

- F. No member of the Caledonia Township Board of Trustees shall be chair of the Commission. The members of the Commission shall elect a chair from amongst its members.

2. APPOINTMENT AND TERMS:

- A. In October of each year, the Caledonia Township Clerk shall determine which members' terms of office expire and will contact that member to determine if he/she would like to be reappointed for another term.
- B. If a member does not want to be reappointed, in November of each year, the Caledonia Township Clerk shall place an advertisement in the newspaper of record in Caledonia Township to seek applications.
- C. In December of each year, the Township Board shall consider the applications received and the Township Supervisor shall appoint members to the Planning Commission, subject to approval by a majority vote of the members of the Township Board of Trustees, for a three-year term of office which shall end December 31st, at 9:00 a.m., of the respective year.

4. VACANCIES:

The Township Board of Trustees shall fill any vacancy in the membership of the Planning Commission for the unexpired term in the same manner as the initial appointment.

5. REMOVAL FROM OFFICE:

- A. The Township Board of Trustees may remove a member of the Planning Commission for malfeasance, misfeasance, or nonfeasance in office upon written charges and after a public hearing. Failure to disclose a potential conflict of interest shall be considered malfeasance in office. Committing a wrong or error by mistake, negligence or inadvertence, but not by intentional wrongdoing shall be considered misfeasance in office. Failure to repeatedly attend Planning Commission meetings shall be considered nonfeasance in office.
- B. The Secretary of the Planning Commission shall report any member who has missed three (3) consecutive regular meetings, without providing an acceptable excuse, to the Planning Commission Chair. The Planning Commission Chair will present the issue to the Planning Commission

members for discussion and then, if deemed necessary, will report the nonfeasance to the Township Board of Trustees for action.

6. **TRAINING:**

Appointed members of the Commission shall attend educational programs (a minimum of 4 hours annually) designed for training members of the Michigan planning commissions if the adopted Caledonia Township budget for that fiscal year includes funds to pay for tuition, registration, and travel expenses for the training. Nothing in this paragraph shall deem a member who has not had training from finishing his/her term of office unless the member resigns or is removed by action of the Caledonia Township Board of Trustees. The member shall be ineligible for reappointment at the conclusion of the term of office if they did not attend training. The Commission shall include in its Bylaws what training programs qualify to meet this requirement.

7. **COMPENSATION:**

All members of the Planning Commission shall serve as such with compensation as determined by the Township Board of Trustees.

8. **MEETINGS:**

The Planning Commission shall meet at least once every month.

9. **QUORUM:**

A majority of the Planning Commission members shall constitute a quorum for the transaction of the ordinary business of said Commission and all questions which shall arise at their meetings shall be determined by a vote of the majority of the members of the Commission. To adopt or recommend for adoption any plan or amendment to a plan, the affirmative vote of three (3) members of the Planning Commission, regardless if vacancies or absences exist or not, shall be needed.

10. **POWERS AND DUTIES:**

The Commission shall have their powers and duties as set forth in P.A. 33 of 2008, as amended, being the Michigan Planning Enabling Act, M.C.L. 125.3801 *et seq.*; and P.A. 110 of the Public Acts of 2006, as amended, being the Michigan Zoning Enabling Act, M.C.L. 125.3101 *et seq.*

- A. The Commission shall have the duties and responsibilities of administering a zoning ordinance (Section 83, P.A. 33 and M.C.L. 125.3301).
- B. The Commission shall have authority to apply for and receive grants on behalf of Township Government.
- C. The Commission shall have the authority to prepare, recommend and administer a subdivision ordinance (Section 71, P.A. 33).
- D. The Commission shall study and recommend programs for public infrastructure improvements and other capital improvement programs (P.A. 33, Section 67).
- E. The Commission shall prepare a master plan and other such plans (P.A. 33, Section 32(1)).
- F. The Commission promotes interest in understanding of the master plan (P.A. 33, Section 51).
- G. The Commission shall make surveys and studies (fact books) of the community (P.A. 33, Section 32(2)(a)).
- H. The Commission shall consult with adjacent local units of governments (P.A. 33, Section 31(2)(b)).
- I. The Commission shall cooperate with all departments of the Township Board and Federal and State Government (P.A. 33, Section 31(2)(c)).

11. BYLAWS/RECORDS:

The Planning Commission shall adopt Bylaws for the transaction of business and shall keep a record of its resolutions, motions, transactions, findings and determinations. These records shall be a public record.

12. APPROVAL:

All official actions taken by all Caledonia Township Planning Commissions preceding the Commission created by this Ordinance are hereby approved, ratified and reconfirmed. Any project, review or process taking place at the effective date of this Ordinance shall continue with the Commission created by this Ordinance, subject to the requirements of this Ordinance, and shall be deemed a continuation of any previous Caledonia Township Planning Commission.

13. EFFECTIVE DATE:

This Ordinance shall be in full force and effect from and after its adoption and publication.

The above Ordinance was duly adopted by the Caledonia Township Board of Trustees at its regular meeting on December 13, 2017. Motion to adopt was made by R. Abend and seconded by K. Scott. Members in attendance J. Scott, R. Abend & K. Scott; 3 Voting Aye and 0 Voting Nay.

Signed: Kerry Scott
Date: Dec. 13, 2017
Township Supervisor - Interim

I hereby certify that the foregoing was duly adopted by the Township Board of Trustees of Caledonia Township, Alcona County, Michigan, at its regular meeting on the 13th of December, 2017, that of five (5) members of the Board, J. Scott, R. Abend & K. Scott were in attendance and all voted to approve the adoption of this Ordinance.

Signed: Kerry Scott
Date: Dec. 13, 2017
Township Clerk

Ordinance was published in the ALCONA COUNTY REVIEW on January 17th, 2018 is effective on March 22, 2018. (63 days after publication).

TOWNSHIP OF CALEDONIA

ALCONA COUNTY, MICHIGAN

Ordinance No. 1 of 2017

An Ordinance to amend the Caledonia Township Park Ordinance No. 16-01 to add a Littering and Dumping on Park Properties Section and to amend the Caledonia Township Park Ordinance No. 15-01.

An Ordinance to provide for the use, protection, regulation and control of the public parks, park facilities and other issues concerning recreation, conservation, education, historic and scenic areas.

Section 1. Purpose

The purpose of this Ordinance is to adopt rules and regulations and address other issues related to the use of and conduct on park property.

Section 2. Protection of Property

- A. Destruction of buildings, markers, monuments, etc., shall be prohibited and no person shall:
 - 1. Willfully destroy, deface, alter, change or remove any monument, stone marker, bench marker, stake, post or blaze, marking or designated boundary line, survey line or reference point.
 - 2. Cut, break, mark upon or otherwise damage any building, equipment, dock, bridge, drain, wall, fountain, lamp post, fence, gate, hedge, or other structure.
 - 3. Deface, destroy, or remove any authorized placard, notice or sign, posted or exhibited within or on park property.
 - 4. Appropriate, excavate, damage or destroy any historical ruin or any object of antiquity, unless authorized in writing by the Township Board.
- B. Destruction of plant life and natural surroundings shall be prohibited and no person shall:

1. Cut, remove, or destroy any tree, sapling, seedling, bush or shrub, whether alive or dead, or chip, blaze, box, girdle, trim or otherwise deface or damage any tree or shrub, or break or remove any branch, foliage, flower, or any tree or shrub, or pick, gather, uproot, remove or destroy any flower, plant or grass, unless authorized in writing by the Township Board.
2. Remove or cause to be removed any sod, earth, humus, peat, boulders, gravel, or sand, unless authorized in writing by the Township Board.

C. Fires on Park Property:

1. No person shall willfully set or cause to be set on fire any tree, woodland, brushwood, grassland or meadow within or on park property.
2. No person shall build a fire on park property except within the fireplaces, fire pit receptacles or open spaces approved and designated by the Township Board for such purpose.
3. No person shall drop, throw or otherwise scatter lighted matches, burning cigars, cigarettes, tobacco paper or other flammable materials within or on park property.
4. No person shall leave a fire unattended and shall extinguish such fire before leaving the immediate vicinity.

D. Glass Containers: In the interest of safety, glass containers shall not be permitted in boat loading areas or along the shore.

Section 3. Protection of Wildlife

No person shall hunt, trap, or harm any wildlife on park property.

Section 4. Overnight Camping

Overnight camping is prohibited on park property.

Section 5. Traffic and Parking

- A. No operator of a vehicle shall stop, stand or park a vehicle in any place marked as a passenger or loading zone, other than for the expeditious loading or

unloading of passengers.

- B. No operator of a vehicle shall stop, stand or park a vehicle upon any roadway or parking area, which obstructs traffic.
- C. No person shall park a vehicle in an area designated as a prohibited parking area.
- D. No person shall operate a vehicle in or on park property, which is used for recreational purposes, unless otherwise allowed by this Ordinance.
- E. A reasonable amount of time shall be allowed to launch and retrieve boats at a boat launching site and all vehicles and trailers must be parked in the designated parking area.
- F. ORVs shall be restricted to parking areas only.

Section 6. Sports, Games, Activities, Etc.

Sports, games, activities, etc., are restricted from picnic table areas to prevent injury to people utilizing these areas.

Section 7. Motor-Driven Vehicles

- A. No person shall operate a motor-driven vehicle of any kind except on roads or designated parking areas.
- B. No person shall operate a motor-driven vehicle on any park road in excess of the posted speed.
- C. No person shall operate a motor-driven vehicle on park property in a careless or negligent manner likely to endanger any person or property.
- D. No person shall operate a motor vehicle on park property, which results in excessive noise or disturbs the peace, quiet or tranquility of the area.
- E. The Township reserves the right to remove any illegally parked or abandoned vehicle, trailer, boat or shanty at the owner's expense.
- F. All Michigan laws shall be complied with to operate a vehicle on park property.

Section 8. Trespass

- A. No person shall peddle or solicit business of any nature, or distribute handbills, or other advertising material, or post unauthorized signs on park property, unless authorized in writing by the Township Board.
- B. No person shall fence, enclose, or obstruct, a person from entering, leaving or making full use of park property.
- C. No person shall interfere with or, in any manner, hinder an employee of the Township performing official duties.

Section 9. Personal Conduct

- A. No person shall be intoxicated or impaired by alcohol or controlled substances, or engage in any violent, abusive, loud, boisterous, vulgar, lewd, wanton, obscene or otherwise disorderly conduct, or disturb or annoy others while in or on park property.
- B. No person shall conduct any form of gambling, lottery or game of chance while in or on park property.

Section 10. Loudspeaker, Public Address System, Amplifier

No person shall use a loudspeaker, public address system or amplifier within or on park property, unless authorized in writing by the Township Board.

Section 11. Fireworks

No person shall fire or discharge fireworks within or on park property.

Section 12. Firearms

No person shall discharge firearms within or on park property.

Section 13. Littering and Pollution of Waters

No person shall discard, deposit or discharge any substance, matter or item in any watercourses, lakes, ponds, or sloughs located within or on park property, which may or shall result in pollution of said waters.

Section 14. Littering and Dumping on Park Properties

- A. No person shall discard or deposit refuse of any kind or nature on park property, except in park property containers.
- B. No person shall deposit household trash in park property containers.

Section 15. Clean Up Fees

Fees may be assessed for excessive trash or the need for additional cleanup.

Section 16. Penalties

Any person, firm or corporation who shall violate any provision of this Ordinance shall be punished as subject to the General Provisions of the Township Zoning Ordinance. Each day that the violation continues after due notice has been served in accordance with the terms and provisions hereof shall be deemed a separate offense.

- A. In addition to the penalties provided in this Section for violating its provisions, any person convicted of an act of vandalism on park property owned by or operated by the Township shall reimburse the Township for up to three (3) times the amount of the damage as determined by a court of law.
- B. In every case of conviction for the offenses, the court before whom the conviction is obtained shall enter judgment in favor of the Township and against the defendant for liquidated damages in a sum as provided in subsection (A) herein. The Township with the assistance of the Township Attorney, shall collect the award by execution or otherwise. If two or more defendants are convicted of the vandalism, the judgment shall be entered against them jointly. If the defendant is a minor, the judgment shall be entered against his/her parents.
- C. Use of Funds. Upon collection, the sums herein shall be credited to the general funds of the Township and shall be used for repairs and improvements to park property.

Section 17. Severability

If any section, subsection, clause, paragraph or provision in this Ordinance shall be adjudged invalid by a court of competent jurisdiction, such adjudication shall only apply to the said portion thereof adjudicated invalid, and the full remaining portions or parts of this Ordinance

shall remain in full force and effect.

Section 18. Repeal

All prior Park Ordinances and other ordinances or parts of ordinances in conflict herewith are, to the extent of such conflict, hereby repealed.

Section 19. Effective Date

This Ordinance shall become effective thirty (30) days after publication.

Date of Publication: March 29, 2017.

The above Ordinance was adopted by the Caledonia Township Board of Trustees at its regular meeting held March 8, 2017. Motion to adopt was made by Swinson and seconded by Thornton. 5 Ayes, 0 Nays. Motion carried.

Date Ordinance is effective: April 28, 2017.

DEFINITIONS:

Abandoned: After 36 hours, a vehicle shall be considered abandoned

Refuse: Any waste material except trees, logs, brush, stumps leaves, grass clippings and other vegetative matter.

TOWNSHIP OF CALEDONIA
COUNTY OF ALCONA, STATE OF MICHIGAN ORDINANCE NO. 1

ADOPTED: September 11, 2019

EFFECTIVE: September 11, 2019

PROHIBITION OF MARIHUANA ESTABLISHMENTS ORDINANCE

An ordinance to provide a title for the ordinance; to define words; to prohibit marihuana establishments within the boundaries of Caledonia Township pursuant to Initiated Law 1 of 2018, MCL 333.27951 et seq., as may be amended; to provide penalties for violation of this ordinance; to provide for severability; to repeal all ordinances or parts of ordinances in conflict therewith; and to provide an effective date.

THE TOWNSHIP OF CALEDONIA, ALCONA COUNTY, MICHIGAN ORDAINS:

SECTION I TITLE

This ordinance shall be known as and may be cited as the Caledonia Township Prohibition of Marihuana Establishments Ordinance.

SECTION II DEFINITIONS

Words used herein shall have the definitions as provided for in Initiated Law 1 of 2018, MCL 333.27951 et seq., as may be amended.

SECTION III NO MARIHUANA ESTABLISHMENTS

Caledonia Township hereby prohibits all marihuana establishments within the boundaries of the Township pursuant to Initiated Law 1 of 2018, MCL 333.27951 et seq., as may be amended.

SECTION IV VIOLATIONS AND PENALTIES

1. Any person who disobeys neglects or refuses to comply with any provision of this ordinance or who causes allows or consents to any of the same shall be deemed to be responsible for the violation of this ordinance. A violation of this ordinance is deemed to be a nuisance per se.
2. A violation of this ordinance is a municipal civil infraction, for which the fines shall not be less than \$100 nor more than \$500, in the discretion of the Court. The foregoing sanctions shall be in addition to the rights of the Township to proceed at law or equity with other appropriate and proper remedies. Additionally, the violator shall pay costs which may include all expenses, direct and indirect, which the Township incurs in connection with the municipal civil infraction.
3. Each day during which any violation continues shall be deemed a separate offense.
4. In addition, the Township may seek injunctive relief against persons alleged to be in violation of this ordinance, and such other relief as may be provided by law.

5. This ordinance shall be administered and enforced by the Ordinance Enforcement Officer of the Township or by such other person (s) as designated by the Township Board from time to time.

SECTION V SEVERABILITY

The provisions of this ordinance are hereby declared to be severable. If any clause, sentence, word, section or provision is hereafter declared void or unenforceable for any reason by a court of competent jurisdiction, it shall not affect the remainder of such ordinance which shall continue in full force and effect.

SECTION VI REPEAL

All ordinance or parts of ordinances in conflict herewith are hereby repealed.

SECTION VII EFFECTIVE DATE

This ordinance shall take effect September 11, 2019.

CALEDONIA TOWNSHIP

Kerry Scott, Clerk

CIVIL INFRACTIONS

The Township of Caledonia, County of Alcona, State of Michigan

ORDAINS:

ORDINANCE NO.: 2020-01

Adopted: 3-11-2020

Effective: 4-11-2020

AN ORDINANCE providing for the establishment of municipal civil infractions in the Township of Caledonia, and for the process by which same will be administered and enforced; and amending various other Township Ordinances to render a violation thereof a civil infraction hereunder.

Section 1. Definitions:

- a. **Act** means Act No. 236 of the Public Acts of 1961, as amended by Act No. 12 of the Public Acts of 1994, being MCLA § 600.8701, *et seq.*
- b. **Authorized Township Official** means the Zoning Administrator, any Code Enforcement Officer, Supervisor, Township Attorney, or other personnel or agent of the Township (including without limitation officers of the Alcona County Sheriff's Office) authorized by this or any other Township Ordinance to issue municipal civil infraction citations or municipal civil infraction violation notices.
- c. **Bureau or Township Ordinance Violations Bureau** means the municipal ordinance violations bureau established by this Ordinance.
- d. **Municipal civil infraction** means a violation of a provision of this or any other Township Ordinance for which the remedy and/or penalty is prescribed to be a civil fine, or other sanction other than a criminal penalty. A municipal civil infraction is not a lesser included offense of either a criminal offense or an ordinance violation that is not a civil infraction.
- e. **Municipal civil infraction citation** means a written complaint or notice prepared by an authorized Township official or Court of proper jurisdiction directing a person to appear in said Court regarding the alleged occurrence or existence of a municipal civil infraction violation by that person.
- f. **Municipal civil infraction determination** means a determination that an individual accused of a civil infraction is responsible for a municipal civil infraction by one of the following:

- (1) An admission of responsibility for the municipal civil infraction.
 - (2) An admission of responsibility for the municipal civil infraction, "with explanation."
 - (3) A preponderance of the evidence at an informal hearing or formal hearing.
 - (4) A default judgment for failing to appear at a scheduled appearance.
- g. *Municipal civil infraction violation notice*** means a written notice prepared by an authorized Township official, directing a person to appear at the Township Ordinance Violations Bureau for the purpose of paying a civil fine and/or costs for a violation which is prescribed to be a municipal civil infraction.
- h. *Repeat offense*** means a determination of responsibility for a second or any subsequent municipal civil infraction with regard to the same Ordinance provision, committed by the same person within any three-year period, unless some other period is specifically provided hereinbelow and/or with regard to a specific provision of a separate Ordinance.
- i. *Responsible or responsibility*** means either an admission or a determination entered by a Court or magistrate that a person is in violation of a provision of this or any other Township Ordinance prescribed to be a municipal civil infraction.
- j. *Violation*** means any act which is prohibited or made or declared to be unlawful or an offense under this or any other Township Ordinance, including affirmative acts as well as omissions and/or failures to act where the act is required by this or any other Township Ordinance.

Section 2. Commencement of municipal civil infraction action:

- (a) Municipal civil infraction action may be commenced upon the issuance by an authorized Township official, or a Court official, of either of the following:
- (1) A municipal civil infraction notice directing the alleged violator to appear at the Township Ordinance Violations Bureau.
 - (2) A municipal civil infraction citation directing the person alleged to be responsible to appear in court, either on a specified date or one to be Noticed by the Court.

Section 3. Issuance of Municipal Civil Infraction Citation; Contents; Service:

- (a) Municipal civil infraction citations shall be issued and served by authorized Township officials and/or the 81st District Court for the County of Alcona (or in the event of certain violations involving minors, the Alcona County Probate Court), substantially as follows:
- (1) The time for appearance specified in a citation shall be within a reasonable

time after the citation is issued.

- (2) The place for appearance, whether the Township Ordinance Violations Bureau or 81st District Court, shall be specified in the citation and/or accompanying documentation.
 - (3) Each citation shall be numbered consecutively and shall be in a form approved by the state court administrator and in accordance with state law (See, MCLA § 600.8709). The original citation shall be filed with the appropriate District or Probate Court. Copies of the citations shall be retained by the Township and issued to the alleged violator as provided by the Act.
 - (4) A citation for a municipal civil infraction signed by an authorized Township official shall be treated as made under oath if the violation alleged in the citation occurred in the presence of the official signing the same and if the citation contains the following statement immediately above the date and signature of the official: *"I declare under the penalties of perjury that the statements above are true to the best of my information, knowledge, and belief."*
 - (5) An authorized Township official who witnesses a person commit a municipal civil infraction shall prepare and subscribe, as soon as possible and as completely as possible, an original and required copies of a citation.
- (b) The basis for issuance of a municipal civil infraction citation or notice shall be as set forth below:
- (1) An authorized Township official witnesses a person violate an ordinance, the violation of which is a municipal civil infraction.
 - (2) An authorized Township official may issue a citation or notice to a person if, based upon investigation, the official has reasonable cause to believe that a person is responsible for a municipal civil infraction.
 - (3) An authorized Township official may issue a citation or notice to a person if, based upon investigation of a complaint by someone who allegedly witnessed the person violate an ordinance, the official has reasonable cause to believe that the person is responsible for a municipal civil infraction and if the attorney for the Township approves in writing the issuance of the citation or notice.
- (c) A municipal ordinance citation and/or accompanying documentation shall contain the following:
- (1) the name and address of the alleged violator
 - (2) each municipal civil infraction alleged to have been violated
 - (3) the date, time and place when and where the alleged violator shall appear in court

- (4) the telephone number of the court
- (5) notice that the alleged violator may do one of the following:
 - (A) Admit responsibility for the municipal civil infraction by mail, in person, or by representation, on or before the time and at the place specified for appearance.
 - (B) Admit responsibility for the municipal civil infraction “with explanation” by mail, in person or by representation within the time and at the place specified for appearance.
 - (C) Deny responsibility for the municipal civil infraction by doing either of the following:
 - (i) Appearing in person for an informal hearing before a judge or district court magistrate, without the opportunity of being represented by an attorney, unless a formal hearing before a judge is requested by the Township or the alleged violator.
 - (ii) Appearing in court for a formal hearing before a judge, with the opportunity of being represented by an attorney.
- (6) further notice to the alleged violator of all of the following:
 - (A) That if the alleged violator desires to admit responsibility “with explanation” in person or by representation, the alleged violator must apply to the court in person, by mail, by telephone, or by representation within the time specified for appearance and obtain a scheduled date and time for an appearance.
 - (B) That if the alleged violator desires to deny responsibility, the alleged violator must apply to the court in person, by mail, by telephone, or by representation within the time specified for appearance and obtain a scheduled date and time to appear for a hearing, unless a hearing date is specified on the citation.
 - (C) That a hearing shall be an informal hearing unless a formal hearing is requested by the alleged violator or the Township.
 - (D) That at an informal hearing the alleged violator must appear in person before a judge or district court magistrate, without the opportunity of being represented by an attorney.
 - (E) That at a formal hearing the alleged violator must appear in person before a judge with the opportunity of being represented by an attorney.
- (7) further notice in boldfaced type that the failure of the alleged violator to appear within the time specified in the citation or at the time scheduled for a hearing

or appearance is a misdemeanor and will result in entry of a default judgment against the alleged violator on the municipal civil infraction.

- (d) Municipal civil infraction citations or notices shall be served in the following manner:
- (1) Except as otherwise provided below, the authorized official shall personally serve a copy of the citation or notice upon the alleged violator.
 - (2) In a municipal civil infraction action involving the use or occupancy of land or a building or other structure, a copy of the citation or notice need not be personally served upon the alleged violator but may be served upon an owner or occupant of the land, building or structure by conspicuously posting the copy on the land or attaching the copy to the building or structure. In addition, a copy of the citation or notice shall be sent by first class mail to the owner of the land, building or structure at the owner's last known address as determined by the Township tax rolls.
 - (3) A citation or notice served as provided in paragraph (2), above, for a violation involving the use or occupancy of land or a building or other structure, shall be processed in the same manner as a citation or notice served personally upon a defendant.
 - (4) If the municipal civil infraction action involves the use of a motor vehicle, boat or snowmobile, a copy of the citation does not need to be personally served upon the alleged violator, but may be served by attaching the copy to the motor vehicle, boat or snowmobile. In addition, a copy of the citation shall be sent by first-class mail to the registered owner of the motor vehicle, boat or snowmobile at the owner's last known address.

Section 4. Civil Infraction Violation Notice; Contents; Service; Failure to Admit Responsibility:

Unless the circumstances render it impracticable or futile, a civil infraction violation notice shall be issued and serve prior to issuance of a citation.

- (a) Municipal civil infractions violation notices shall be issued by authorized Township official(s), and upon the same grounds applicable to civil infraction citations under Section 3 (b), above.
- (b) A municipal civil infraction violation notice shall be on a form approved by the state court administrator, if any, and shall contain the following:
 - (1) the name and address of the alleged violator
 - (2) a statement of each alleged violation
 - (3) the date on or before which the alleged violator must appear at or contact the Bureau for purposes of admitting or denying responsibility.
 - (4) the amount of scheduled fines/costs for each alleged violation.

- (5) the address, telephone number and hours of operation of the Bureau
- (6) notice that the alleged violator may do one of the following:
 - (A) Admit responsibility for the municipal civil infraction by mail, in person, or by representation, on or before the time specified for appearance as aforesaid.
 - (B) Admit responsibility for the municipal civil infraction "with explanation" by mail, in person, or by representation by the time specified for appearance as aforesaid.
 - (C) Deny responsibility for the municipal civil infraction by mail, in person, or by representation by the time specified for appearance as aforesaid.
- (c) A civil infraction violation notice shall be served in accordance with Section 3 (d), above.
- (d) In the event the alleged violator served with a civil infraction violation notice shall fail to admit responsibility without explanation and/or pay the required fines/costs within the time set forth within the notice, the authorized Township official shall cause a civil infraction citation to issue and proceed with judicial process pursuant to the Act and Section 3, above.

Section 5. Authorized Township Official:

- (a) The Township Zoning Administrator, Supervisor and Township Attorney are Authorized Township Officials. The Township Board of Trustees (hereinafter "Board" or "Township Board") is hereby authorized to appoint by motion or resolution any person or persons as Authorized Township Official(s) for and upon such term or terms as may be designated in the motion or resolution for purposes of carrying out the duties and responsibilities specified in this Ordinance and enforcing the provisions of this or any other Ordinance, any violation of which is prescribed to be a municipal civil infraction. The Board may further, by motion or resolution, remove any person from such office, in its discretion.
- (b) Any Authorized Township Official appointed pursuant to this Ordinance is authorized to enforce all provisions of this and any other Ordinance, whether or not any particular provision specifies or designates a different enforcing official. Where a particular officer is designated in any code provision, that officer's authority shall continue in full force and effect, and shall not be diminished or impaired by the terms of this section, and the authority of the Authorized Township Official shall be in addition and supplementary to the authority granted to such other specific officer.
- (c) The Authorized Township Official's duties shall include, but are not necessarily limited to, the following: investigation of Ordinance violations; issuance and service of municipal ordinance violation notices and municipal civil infraction citations; appearance in court or other judicial or quasi-judicial proceedings in the

administration of this Ordinance.

Section 6. Establishment of Bureau:

- (a) A Township Ordinance Violations Bureau (hereinafter referred to as the “Bureau”) is hereby established for the purpose of accepting admissions of responsibility for municipal civil infractions in response to municipal civil infraction violation notices.
- (b) Payments made to the Bureau shall be retained and accounted for as fines and costs, respectively, and shall be deposited in the general fund or such other funds as the Township Board may direct and established in conformity with applicable law.
- (c) The Bureau shall be located at the Township Hall as determined by the Board, and shall be under the immediate supervision and control of the Township Clerk, or in the Clerk’s absence, the Supervisor. Hours of operation shall be established and posted by the Board if other than the hours during which the Township Hall is otherwise open.

Section 7. Authority of Bureau:

- (a) The Bureau is authorized to accept payment of fines and costs in response to municipal civil infraction violation notices, and shall not be authorized to accept monies or admissions of responsibility in response to municipal civil infraction citations.
- (b) The Bureau shall not accept payment of a fine or costs from any person who denies having committed a municipal civil infraction charged in a municipal civil infraction violation notice.
- (c) The Bureau shall not have authority or jurisdiction to determine, or attempt to determine, the truth or falsity of any fact or matter relating to an alleged violation.

Section 8. Penalties for municipal civil infractions; Schedule of fines; Remedies not exclusive:

- (a) The following civil fines shall apply in the event of a determination of responsibility for a municipal civil infraction, unless a different fine is specified in connection with a particular Ordinance provision. The fines reflect whether the responsible party or parties admit(s) such responsibility, as well as the judicial process contemplated in the event responsibility is not admitted:

	<u>admitted</u>	<u>not admitted</u>
First offense within a three (3) year period	\$100	\$250
Second offense within a three (3) year period	\$500	\$1,000
Third offense within a three (3) year period	\$1,000	\$2,000
Fourth or subsequent offense within a three (3) year period	\$2,000	\$3,000

Unless specifically indicated to the contrary within the Ordinance under which a violation is charged, each day on which a violation exists shall be deemed a separate offense, and of the same class as originally charged on the first date thereof (i.e., as a First, Second, Third, Fourth or subsequent offense). For purposes of illustration only, if a condition or situation results in a First offense charge and continues for a ten (10) period, then each of those ten (10) days shall constitute a separate, First offense.

- (b) Administrative costs; Expenses of Prosecution: In the event of a determination of responsibility without need for issuance of a civil infraction violation citation and/or judicial process, there shall be due, together with and in addition to payment of the above fines, an administrative fee in the amount of \$20.00.

In the event of a determination of responsibility pursuant to a civil infraction citation and/or judicial process, there shall be due, together with payment of the above fines, the aforesaid administrative fee as well as the Township's administrative and other costs, fees and expenses incurred in the prosecution of said citation in an amount not to exceed \$500.00 per offense. Further, and in the event the violation involves the use of land, buildings or structures thereon, all of such fines, fees and expenses shall constitute a lien against such land and buildings/structures, and shall be assessed and collected in the same manner as *ad valorem* taxes if not paid in the manner provided by the judgment and statute, including without limitation MCL § 600.8731, as amended.

- (c) Copies of the schedule of fines, as amended from time to time, shall be conspicuously posted at the Bureau.
- (d) *Remedies not exclusive.* In addition to and/or in lieu of any processes and remedies provided for in this Ordinance, the Township may pursue any other legal or equitable proceedings, actions or remedies available, including without limitation Circuit Court actions for abatement/injunctive relief and/or self-help remedies provided by statute or separate Ordinance.

Section 9. Designation of civil infractions:

In addition to any Ordinance adopted hereinafter in which the specified penalty is a civil infraction, a violation of the following Ordinance chapters, articles, provisions and/or sections, or any rule, regulation or order adopted or issued in pursuance thereof, shall be deemed to be a civil infraction which shall subject the violator to the provisions of this Ordinance, and each such Ordinance chapter, provision, section, rule and/or regulation is hereby amended accordingly:

ORV Ordinance, No.: 09-03

Outdoor and Open Burning Ordinance, No.: 10-01

Cemetery Ordinance, No.: 13-001

Zoning Ordinance, No.: 14-01

Park Ordinance, No. 15-01, as amended

Prohibition of Marihuana Establishments Ordinance, No.: 19-01

Additional Ordinances may be hereafter designated as civil infractions by Resolution of the Township Board.

Section 10. Severability:

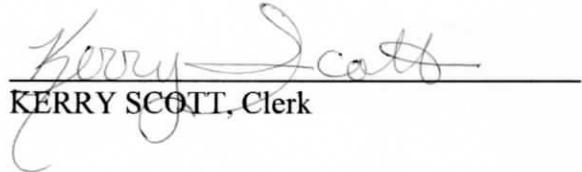
The various parts, sections and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the Ordinance shall not be affected thereby and shall remain in full force and effect.

Section 11. Effective Date: 4-11-2020

This Ordinance shall take effect thirty (30) days after publication following adoption.

CERTIFICATION

The foregoing is a true copy of Ordinance No. 2020-01 which was enacted by the Board of Trustees of the Township of Caledonia, Alcona County, at a regular/special meeting held on the 11 day of March, 2020. A copy or Notice of same was published in the Alcona County Review on 3-25, 2020.


KERRY SCOTT, Clerk

BLIGHT ORDINANCE

The Township of Caledonia, County of Alcona, State of Michigan

ORDAINS:

ORDINANCE NO. 2020-02

Adopted: 3-11-2020

Effective: 4-11-2020

AN ORDINANCE to prevent, reduce or eliminate blight or potential blight in the Township; to provide penalties for the violation of said ordinance; to provide for assessment of the cost of said eliminating or remediating such blight; and to repeal all ordinances and parts of ordinances in conflict therewith, including without limitation Ordinance 2005 - 001.

SECTION I - Purpose

Consistent with the letter and spirit of Act No. 344 of the Public Acts of Michigan of 1945 (MCLA §§ 125.71 *et seq.*), as amended, and Act No. 208 of the Public Acts of Michigan of 1949 (MCLA §§ 125.941 *et seq.*), as amended, it is the purpose of this article to prevent, reduce or eliminate blight or potential blight in the Township by the prevention or elimination of certain environmental causes of blight or blighting factors which exist or which may in the future exist in the Township, and to rehabilitate already blighted areas in the Township.

SECTION II - Causes of blight or blighting factors

It is hereby determined that the following uses, structures, conditions and activities are causes of blight, or blighting factors which, if allowed to exist, will tend to result in blighting and undesirable neighborhoods, and which if alleviated or remedied will tend to rehabilitate already blighted areas. No person shall maintain or permit to be maintained any of these causes of blight or blighting upon any premises in the Township owned, leased, rented or occupied by any such person:

1. In any area other than those having a valid junkyard permit or used car license, the storage upon any premises of junk automobiles is prohibited. For the purposes of this article, the term "junk automobiles" shall include any motor vehicle which is not licensed for use upon the highways for a period in excess of 30 days, or which does not have license plates attached thereto, and shall also include, whether so licensed or not any motor vehicle that is inoperative for any reason for a period in excess of 30 days.

“Junk automobiles” shall not include (i) motor homes, not to exceed one (1) per residence, if operable and registered within one (1) year of being brought upon the premises, and (2) race cars which are operable and used for recreational race purposes, and which are enclosed or otherwise shielded from view from any adjacent street within in a garage or other enclosure, or under a tarp or similar cover.

2. In any area zoned for residential purposes, the storage upon any premises of any building materials or construction upon such premises and such materials are intended for use in connection with such construction. Building materials shall include but shall not be limited to lumber, bricks, concrete or cinder blocks, plumbing materials, electrical wiring or equipment, heating ducts or equipment, shingles, mortar, concrete or cement, nails, screws, fence posts and fencing material of either wood or metal or any other materials used in constructing any structure or fence.
3. In any area other than those having a valid junkyard permit, the storage or accumulation of junk, trash, rubbish or refuse of any kind, except domestic refuse stored in such manner as not to create a nuisance for a period not to exceed 15 days. The term "junk" shall include but shall not be limited to, parts of machinery or parts of motor vehicles, unused stoves or other appliances stored in the open, remnants of wood, metal or any other material or other cast-off material of any kind whatsoever whether or not the same could be put to any reasonable use.
4. In any area, the existence of any structure or part of a structure which because of fire, wind or other natural disaster, or physical deterioration is no longer habitable as a dwelling, nor useful for any other purpose for which it may have been intended.
5. In any area, the existence of any vacant dwelling, commercial building, garage or other out building unless the same are kept securely locked, with windows kept glazed or neatly boarded up, and otherwise protected to prevent entrance thereto by vandals or unauthorized members of the public. Provided, however, that the existence of any vacant boarded up building for a period in excess of six months shall be deemed to be a cause of blight or a blighting factor.
6. In any area, the existence of any partially completed structure unless such structure is in the course of construction in accordance with a valid and subsisting building permit issued by the Township, and unless such construction is completed within a reasonable time.

SECTION III - Enforcement and Violations

1. This article shall be enforced by the Township Zoning Administrator, Supervisor or by such other person as may be designated by the Township Board of Trustees.
2. The owner, if known, and the occupant of any premises upon which any one or more of the causes of blight or blighting factors set forth in hereinabove is found to exist shall be notified in writing to remove and eliminate such causes of blight or blighting factors from such premises within ten days after service of notice upon him. Such notice may be served personally or by certified mail, return receipt

requested, addressed to the owner at the address shown on the latest Township tax rolls, and to the occupant at the address of the premises involved. If the owner or occupant cannot be served personally or by certified mail, a copy of the notice shall be posted in a conspicuous place on the premises and published once in the official newspaper of the Township.

Additional time may be granted by the enforcement officer where in his/her opinion bona fide efforts to remove or eliminate such causes of blight or blighting factors are being made.

3. Failure of the owner and/or occupants to comply with such notice within the time set forth in the notice shall constitute a civil infraction, and shall be enforced, prosecuted and punishable in accordance with the Township Municipal Civil Infraction Ordinance.
4. In the event the owner/occupant shall fail to comply with such notice aforesaid, and in addition to all other remedies provided herein or otherwise available at law or equity, the Township may undertake the remediation of any or all of such blight or blighting factors, and the costs thereof shall constitute a lien on the subject real premises, which shall be assessed and collected in the same manner as other *ad valorem* taxes and assessments.

SECTION IV – Severability

The various parts, sections and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the Ordinance shall not be affected thereby and shall remain in full force and effect.

SECTION V – Repealer

Any other Township Ordinance or provision thereof inconsistent with the terms and provisions of this Ordinance is hereby repealed.

SECTION VII – Effective date

This Ordinance shall take effect thirty (30) days after publication.

Following a public reading of the Ordinance, and at a regular meeting of the Board of Trustees of the Township of Caledonia held on the 11 day of March, 2020, adopting of the foregoing Ordinance was moved by Roe and supported by Smith.

Yes: Roe, Smith, Apsey

No: Scott, Kerry

CERTIFICATION

The foregoing is a true copy of Ordinance No. 2020-02 which was enacted by the Board of Trustees of the Township of Caledonia, Alcona County, at a regular/special meeting held on the 11 day of March, 2020. A copy or Notice of same was published in the Alcona County Review on 3-25, 2020.



KERRY SCOTT, Clerk

**Caledonia Township
Ordinance No. 2 of 2021**

**An ordinance to amend the Caledonia Township Zoning Ordinance Section
Article 2 (Definitions), Article 5 (District Regulations, and Article 9
(Supplemental Regulations) to provide standards for solar energy.**

Caledonia Township, Alcona County, Michigan ordains:

Section 1: Amendment to the Caledonia Township Zoning Ordinance

That the Caledonia Township Zoning Ordinance, Section 2.1 (Definitions) is hereby amended to read as follows:

(ADD NEW) SOLAR ENERGY PANELS (ON-SITE ACCESSORY): Solar collection devices designed to capture and utilize the energy of the sun to generate electrical power for use on-site. A solar collection device is the actual material(s) used to collect solar rays and all associated ancillary and structural devices needed to support and convert/transmit the energy collected.

(ADD NEW) SOLAR ENERGY FACILITY (UTILITY SCALE OR COMMERCIAL): A facility designed to capture and utilize the energy of the sun to generate electrical power to meet utility-scale or commercial needs primarily for use off-site. A solar energy facility consists of solar collection devices used to collect solar rays and all associated ancillary and structural devices needed to support and convert/transmit the energy collected. A solar energy facility (utility-scale or commercial) may be an accessory or principal use on the property.

That the Caledonia Township Zoning Ordinance, Section 5.1 (Table of Uses Permitted by Right and Special Land Uses) is hereby amended to read as follows:

ADD THE FOLLOWING USES:

TABLE OF USES PERMITTED BY RIGHT & SPECIAL LAND USES									
P = Permitted by right									
S = Permitted with a Special Use Permit									
*Supplemental Regulations									
UTILITIES/ENERGY/COMMUNICATIONS									
<i>Solar Energy Panels (On-Site Accessory)</i>	P*					P*	P*	P*	P*
<i>Solar Energy Facility (Utility Scale or Commercial)</i>						S*		S*	

That the Caledonia Township Zoning Ordinance, Article 9 (Supplemental Regulations) is hereby added to read as follows:

(ADD NEW) Section 9.30 Solar Energy Panels (On-Site Accessory).

Solar energy panels shall be allowed as an accessory use in all zoning districts subject to the requirements below. Accessory solar energy panels shall not be located on a lot without a principal building. For freestanding solar energy panels, a plot plan pursuant to Section 7.1 shall be submitted to the Zoning Administrator. Repair or replacement of an existing panel does not require a review or permit provided there is no change in size, height, or coverage area. Building-mounted or roof-mounted solar energy panels are a Permitted Use and, while no zoning permit is required, compliance with this Section is required. The Zoning Administrator has the authority to review and issue permits for On-Site Accessory Solar Panels.

A. Height.

1. Ground-mounted or pole-mounted accessory solar energy panels shall not exceed twenty (20) feet in height when oriented at maximum tilt (measured from the ground at the base of the equipment).
2. Building-mounted or roof-mounted accessory solar energy panels shall not exceed the maximum allowed building height in any zoning district.

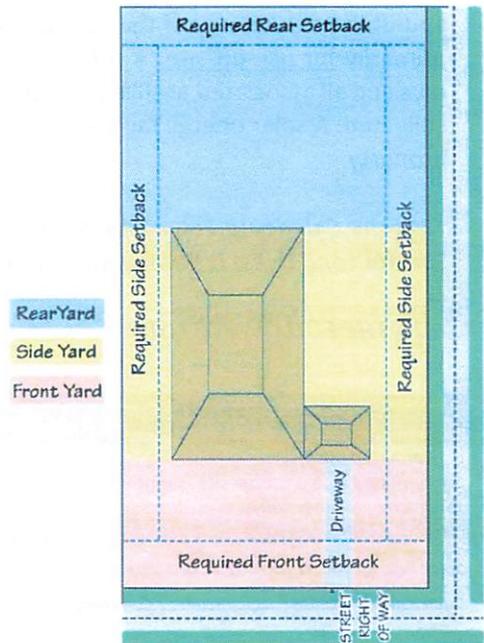
B. Yard Location and Setbacks.

1. Ground-mounted or pole-mounted accessory solar energy panels located in the rear or side yard shall adhere to district setbacks for accessory buildings. A minimum setback of two hundred fifty (250) feet shall be required for ground-mounted or pole-mounted accessory solar energy panels located in the front yard. For the purposes of this Section, the front yard shall be defined as the 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 line of the principal building. (See Figure A).
2. Building-mounted or roof-mounted accessory solar energy panels shall adhere to district setbacks for a main building.

C. Glare. Panels shall not result in glare onto adjoining properties or public rights of way.

D. Coverage and Size. Roof-mounted or building-mounted accessory solar energy panels shall allow for adequate roof access for fire-fighting purposes. Ground-mounted or pole-mounted accessory solar energy panels shall not exceed twenty (20) percent of the building footprint for the principal building.

Figure A



E. Installation.

1. Solar energy panels that are building-mounted shall be permanently and safely attached to the building or structure.
2. Solar energy panels that are ground-mounted shall be safely attached to the ground.
3. Solar energy panels that are mounted on the roof of a building shall be safely supported by the roof according to the manufacturer's specifications.
4. Solar energy panels shall be installed, maintained, and used only in accordance with the manufacturer's specifications.
5. Solar energy panels shall comply with building code, electrical code, and all other applicable regulations.

(ADD) Section 9.31 Solar Energy Facilities – Utility-Scale or Commercial (Large Solar Energy Systems).

- A. **Purpose and Intent:** The purpose and intent of this Section is to establish standards for the siting, installation, operation, repair, decommissioning and removal of Large Solar Energy Systems.
- B. **Site Plan Drawing and Supporting Materials:** All applications for a Large Solar Energy Systems use must be accompanied by detailed site plans, drawn to scale and dimensioned and certified by a registered engineer licensed in the State of Michigan, displaying the following information:
 1. All requirements for a site plan contained in **Article 25** of the Caledonia Township Zoning Ordinance.
 2. All lot lines and dimensions, including a legal description of each lot or parcel comprising the Large Solar Energy System.
 3. Names of owners of each lot or parcel within Caledonia Township that is proposed to be within the Large Solar Energy System.
 4. Vicinity map showing the location of all surrounding land uses.
 5. Location and height of all proposed Solar Array(s), buildings, structures, electrical tie lines and transmission lines, security fencing, and all above-ground structures and utilities associated with a Large Solar Energy System.
 6. Horizontal and vertical (elevation) to scale drawings with dimensions that show the location of the proposed Solar Array(s), buildings, structures, electrical tie lines and transmission lines, security fencing and all above ground structures and utilities on the property.
 7. Location of all existing and proposed overhead and underground electrical transmission or distribution lines within the Large Solar Energy System and within one hundred (100) feet of all exterior property lines of the Large Solar Energy System.
 8. Proposed setbacks from the Solar Array(s) to all existing and proposed structures within the Large Solar Energy System.

9. Land elevations for the Solar Array(s) location and the relationship to the land elevations of all existing and proposed structures within the Large Solar Energy System at a minimum of five (5) foot contours.

10. Access driveways within and to the Large Solar Energy System, together with a detailed narrative regarding dimensions, composition, and maintenance of each proposed driveway. All access drives shall be subject to Alcona County Road Commission approval and shall be planned so as to minimize the use of lands for that purpose.

11. Planned security measures to prevent unauthorized trespass and access during the construction, operation, removal, maintenance or repair of the Large Solar Energy System.

12. A written description of the maintenance program to be used for the Solar Array and other components of the Large Solar Energy System, including decommissioning and removal. The description shall include maintenance schedules, types of maintenance to be performed, and decommissioning and removal procedures and schedules if the Large Solar Energy System is decommissioned.

13. Planned lightening protection measures.

14. Additional detail(s) and information as required by the Conditional Use requirements of the Caledonia Township Zoning Ordinance, or as required by the Planning Commission.

- C. **Application Escrow Account:** An escrow account shall be deposited with the Township by the Applicant when the Applicant applies for a Conditional Use for a Large Solar Energy System. The monetary amount deposited by the Applicant in escrow with the Township shall be the amount of \$15,000 to cover all reasonable costs and expenses associated with the Conditional Use review and approval process, which costs shall include, but are not limited to, reasonable fees of the Township Attorney, Township Planner and Township Engineer, as well as costs for any reports or studies that are reasonably related to the zoning review process for the application. Such escrow amount shall be in addition to any filing or application fees established by resolution. At any point during the Conditional Use review process, the Township may require that the Applicant place additional funds into escrow with the Township if the existing escrow amount deposited by the Applicant is deemed insufficient by the Township. If the escrow account needs replenishing and the Applicant refuses to do so within thirty (30) days, the Conditional Use process shall cease unless and until the Applicant makes the required additional escrow deposit. Any applicable zoning escrow Resolutions or other Ordinances adopted by the Township must also be complied with by the Applicant. The Township shall provide a summary of all account activity to the Applicant within a timely manner upon request. Any funds remaining within the escrow after approval of the Conditional Use shall be returned in a timely manner to the Applicant.
- D. **Compliance with the County Building Code and the National Electric Safety Code:** Construction of a Large Solar Energy System shall comply with the National Electric Safety Code and the County Building Code (as shown by approval by the County) as a condition of any Conditional Use under this section. In the event of a conflict between the County Building Code and National Electric Safety Code (NESC), the NESC shall prevail.
- E. **Certified Solar Array Components:** Components of a Solar Array shall be approved by the Institute of Electrical and Electronics Engineers ("IEEE"), Solar Rating and Certification Corporation ("SRCC"), Electronic Testing Laboratories ("EIL"), or other similar certification organization if the similar certification organization is approved by the Township, which approval shall not be unreasonably withheld. All components within the Large-Scale Solar Energy System will be American made
- F. **Height:** Maximum height of a Solar Array, other collection device, components or buildings of the Large Solar Energy System, excluding substation and electrical transmission equipment, shall not

exceed fifteen (15) feet (as measured from the natural grade at the base of improvements) at any time or location on the property. Substation and electrical transmission equipment shall not exceed one hundred (100) feet.

- G. **Lot Size:** Solar Energy Facilities (Utility-Scale or Commercial) shall only be located on parcels which are at least twenty (20) acres in size. Adjacent parcels under the same ownership or which are leased by the owner of the Solar Energy Facility may be considered in combination to satisfy the minimal parcel size. However, the parcels considered in combination shall not thereafter be separated throughout the life of the solar energy facility.
- H. **Setbacks:** A minimum setback distance of fifty (50) feet from all exterior property lines of the Large Solar Energy System and existing public roads and railroad rights-of-way shall be required for all buildings and Solar Arrays, provided that a setback of one hundred (100) feet shall be required adjacent to any residential structure.
- I. **Screening/Security:** A Large Solar Energy System shall be completely enclosed by perimeter security fencing to restrict unauthorized access. Such fencing shall be at least eight (8) feet in height with a one (1) foot extension arm consisting of a minimum of three strands of barbed-wire placed above the fencing and slanting outward as measured from the natural grade of the fencing perimeter. Electric fencing is not permitted. The perimeter of Large Solar Energy Systems shall also be screened and buffered by installed evergreen or native vegetative plantings whenever existing natural vegetation does not otherwise reasonably obscure the Large Solar Energy System from adjacent residential structures, subject to the following requirements:
 - 1. The evergreen or native vegetative (Cedar) buffer shall be composed of native or evergreen (Cedar) trees that at planting shall be a minimum of twenty (20) feet in height. The evergreen (Cedar) trees shall be spaced no more than fifteen (15) feet apart on center (from the central trunk of one plant to the central trunk of the next plant), native trees (Cedar) shall be placed no more than fifteen (15) feet apart on center. All unhealthy (sixty (60) percent dead or greater) and dead material shall be replaced by the Applicant within one (1) year, or the next appropriate planting period, whichever occurs first.
 - 2. All plant materials shall be installed between March 15th and November 15th. If the Applicant requests a Final Certificate of Occupancy from the Township and the Applicant is unable to plant during the installation period, the Applicant will provide the Township with a letter of credit, surety or corporate guarantee for an amount equal to one and one-half (1.5) times the cost of any planting deficiencies that the Township shall hold until the next planting season. After all plantings have occurred, the Township shall return the financial guarantee.
 - 3. Failure to install or continuously maintain the required vegetative buffer shall constitute a violation of this Ordinance and any Conditional Use may be subject to revocation.
- J. **Signage:** No advertising or non-project related graphics shall be on any part of the Solar Arrays or other components of the Large Solar Energy System. This exclusion does not apply to entrance gate signage or notifications containing points of contact or any and all other information that may be required by authorities having jurisdiction for electrical operations and the safety and welfare of the public.
- K. **Noise:** No component of any Large Solar Energy System shall emit noise exceeding fifty-five (55) dBA as measured at the exterior property boundary or the existing ROW line.

representative of the Applicant. One copy shall be kept on file by the Township Clerk, and one copy shall be returned to the Applicant's authorized representative.

- R. **Inspection:** The Township shall have the right at any reasonable time, to provide a twenty-four (24) hour notice prior to the desired inspection to the Applicant to inspect the premises on which any Large Solar Energy System is located. The Township may hire one or more consultants, with approval from the Applicant (which shall not be unreasonably withheld), to assist with inspections at the Applicant's or project owner's expense. Inspections must be coordinated with, and escorted by, the Applicant's operations staff at the Large Solar Energy Facility to ensure compliance with the Occupational Safety and Health Administration (OSHA), NESC and all other applicable safety guidelines.
- S. **Maintenance and Repair:** Each Large Solar Energy System must be kept and maintained in good repair and condition at all times. If the Township Zoning Administrator determines that a Large Solar Energy System fails to meet the requirements of this Ordinance and the Conditional Use, or that it poses a safety hazard, the Zoning Administrator, or his or her designee, shall provide notice to the Applicant of the safety hazard. If, after a reasonable cure period (not to exceed 7 days), the safety hazards are not corrected, the Applicant is entitled to a hearing before the Township Board. If the Township Board determines that the safety hazard requires that the Large Solar Energy System must be shut down, Applicant shall immediately shut down the Large Solar Energy System and not operate, start or restart the Large Solar Energy System until the issues have been resolved. Applicant shall keep a maintenance log on the Solar Array(s), which shall be available for the Township's review within 48 hours of such request. Applicant shall keep all sites within the Large Solar Energy System neat, clean and free of refuse, waste or unsightly, hazardous or unsanitary conditions.
- T. **Roads:** Any material damages to a public road located within the Township resulting from the construction, maintenance or operation of a Large Solar Energy System shall be repaired at the Applicant's expense. In addition, the Applicant shall submit to the appropriate County agency a description of the routes to be used by construction and delivery vehicles; any road improvements that will be necessary to accommodate construction vehicles, equipment or other deliveries. The Applicant shall abide by all County requirements regarding the use and/or repair of County roads.
- U. **Continuing Security:** If any Large Solar Energy System is approved for construction under this Section, Applicant shall post decommissioning security prior to the start of construction (in a mutually agreed upon form) for an amount necessary to accomplish the work specified in the decommissioning plan as agreed upon by the Township and Applicant. The amount shall be reasonably sufficient to restore the property to its previous condition prior to construction and operation of the Large Solar Energy System. Such financial security shall be kept in full force and effect during the entire time that the Large Solar Energy System exists or is in place, and such financial security shall be irrevocable and non-cancelable.
 - 1. Continuing Obligations: Failure to keep any required financial security in full force and effect at all times while a Large Solar Energy System exists or is in place shall constitute a material and significant violation of the Conditional Use and this Ordinance, and will subject the Large Solar Energy System Applicant, owner and operator to all remedies available to the Township, including any enforcement action, civil action, request for injunctive relief, and revocation of the Conditional Use.
 - 2. These securities will be reviewed and updated every 5 years to ensure in order to ensure that adequate financial resources are available for a decommissioning process.
- V. **Performance Guarantee.** The Planning Commission may require the applicant to furnish the Township with a performance guarantee pursuant to Section 10.7 in an amount equal to the estimated costs

associated with dismantling the site and returning it to its original state in the event of abandonment. The amount shall be determined at the time of, and as a condition to, issuance of the Special Use Permit

W. **Other Requirements:** Each Large Solar Energy System shall also comply with all applicable federal, state and county requirements, in addition to other applicable Township Ordinances.

Section 2: Severability

If any clause, sentence, paragraph, or part of this Ordinance shall for any reason be finally adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder of this Ordinance but shall be confined in its operation to the clause, sentence, paragraph, or part thereof directly involved in the controversy in which such judgment is rendered.

Section 3: Saving Clause

The Caledonia Township Zoning Ordinance, except as herein or heretofore amended, shall remain in full force and effect. The amendments provided herein shall not abrogate or affect any offense or act committed or done, or any penalty or forfeiture incurred, or any pending fee, assessments, litigation, or prosecution of any right established, occurring prior to the effective date hereof.

Section 4: Effective Date

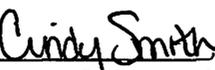
The ordinance changes shall take effect upon the expiration of seven days after the publication of the notice of adoption.



Township Supervisor



Township Clerk

I,  Clerk for Caledonia Township, hereby certify that the foregoing is a true and correct copy of Ordinance No. 2 of 2021 of Caledonia Township, adopted by at a meeting of the Township Board of Trustees held on 12-8-21.

A copy of the complete ordinance text may be inspected or purchased at the Caledonia Township Hall, at 6461 Gillard Rd, Spruce, Michigan 48762.

Adopted:
12-8-21

Published:
12-15-21

Effective:
12-22-21 subject to PA 110 of 2006 as amended.

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Township of Caledonia

Alcona County, Michigan

ZONING PHILOSOPHY STATEMENT: The Township of Caledonia, Alcona County, Michigan, has prepared this statement of its zoning philosophy to define its conceptual approach to zoning. The Township initially prepared a master plan entitled "Caledonia Township Comprehensive Plan," which was prepared by a professional community planner. That plan was replaced by the Tri-Township Master Plan created in conjunction with Alcona, Caledonia, and Hawes Townships with the help of a professional planner; and subsequently, was updated as the Tri-Townships Township Master Plan also with the assistance of a professional planner. This plan is also part of the philosophy in terms of the goals and land use plan developed and articulates the logic, cultural context and land development principles in developing this Zoning Ordinance.

In developing its philosophical framework, the Township of Caledonia has also drawn on the history of experience and participation it has received in past public meetings and issues. This history has provided an appreciation for the goals and purposes of zoning as articulated by Township residents. With this input, the Township is able to define an ordinance philosophy that is appropriate for the aspirations and issues of the community.

MASTER PLAN CONTEXT: The comprehensive plan (master plan) includes a planning premise that identifies major goals of the plan which are aimed at preserving the environment; providing for the health and welfare of the people; and improving their quality of life through:

- Maintenance of the rural character of the Township;
- Encouragement of open space, and preservation of economically important natural areas;
- Preservation of a proper ecological balance;
- Discouragement of "strip" development along waterways and highways;
- Promotion of a more diversified and stable local economy;
- Maintenance of agricultural activity insuring orderly and appropriate residential development within agricultural areas; and
- Properly provide for the needs of the people in terms of needed public services, housing, health care, and education.

STATE LEGAL CONTEXT: In addition to the master plan context, the Township's Zoning Ordinance must also conform with State enabling legislation. That legislation identifies specific purposes for zoning ordinances by general law townships. Those purposes and the intent and restrictions of the law also define the limits and opportunities for zoning of the Township.

GENERAL STRUCTURE: The general structure of the Ordinance was approached as follows:

1. The Ordinance should be direct, simple and brief, as possible, making the Ordinance easier for the public to understand and for the Township to administer.
2. The Ordinance should be clear and easy to administer. Ambiguous provisions requiring judgment by the Zoning Administrator or referral to the Zoning Board of Appeals are undesirable.
3. Zoning districts should be custom-designed to fit the needs of the Township and should not be simple planning standards used as models.
4. A modest degree of regulation was sought to permit residents ample opportunity to use their land for their own pleasure, needs and economic gain. Zoning controls were designed primarily to maintain the positive qualities of the community and to prevent adverse consequences of uncontrolled development.

ARTICLE 1

PURPOSE AND AUTHORITY

An ordinance to establish zoning districts, provisions and regulations in the unincorporated portions of Caledonia Township, County of Alcona, State of Michigan, in accordance with the provisions of Public Act 110 of 2006, as amended. Such enabling act is hereby made a part of this Ordinance just as if said Act were repeated word for word herein.

Section 1.0 - Purpose

The fundamental purpose of this Ordinance is to promote and safeguard the public health, safety, and general welfare of the people of Caledonia Township. The provisions herein are intended to regulate land development; establish districts within Caledonia Township which regulate the use of land and structures to meet the needs of citizens for food, fiber, energy, natural resources, places of residence, recreation, industry, trade, service, and other uses of land; to ensure that use of the land is situated in appropriate locations and relationships; to provide for adequate light, air and health conditions in dwellings and buildings hereafter erected or altered; to limit the overcrowding of land and congestion of population, transportation systems and other public facilities; to facilitate adequate and efficient provision for transportation systems, sewage disposal, water, energy, education, recreation, and other public service and facility requirements; to conserve the expenditure of monies for public involvements and services to conform with the most advantageous uses of land, resources and properties; and to be one means of implementing the policies, goals and objectives as set forth in the current Master Plan.

It is the purpose of this Ordinance to regulate and restrict the location of trades and industries, the location of buildings designed for specified uses, and for such purposes, to divide Caledonia Township into zoning districts. Within each district, regulations shall be imposed designating the allowed uses for buildings and structures and designating the trades and industries that are permitted or excluded or subjected to special regulations. The designations shall be made in accordance with a plan designed to lessen the congestion on the public streets, to promote the public health, safety, and general welfare and shall be made with reasonable consideration given to the character of the district, its particular suitability for particular uses, the preservation of property values, and the general trend and character of building and population development.

Section 1.1 - Authority

This Ordinance is enacted into law pursuant to Act 110, Public Acts of 2006, as amended.

Section 1.2 - Title

This Ordinance shall be known as the Caledonia Township Zoning Ordinance of 2014 and shall be referred to herein as "this Ordinance."

ARTICLE 2

Definitions

Section 2.0 - Rules Applying to Text

For the purpose of this Ordinance, certain terms are defined to clarify the intent of the provisions of the Ordinance. The following rules shall apply, except, when clearly indicated otherwise.

- A. The particular shall control the general.
- B. In the case of any difference of meaning or implication between the text of this Ordinance and any caption, the text shall control.
- C. The word "shall" is always mandatory and never discretionary. The word "may" is permissive.
- D. Words used in the present tense shall include the future; and words used in the singular number shall also denote the plural and the plural shall also denote the singular.
- E. A "building" or "structure" includes any part thereof.
- F. The phrase "used for" includes "arranged for," "designed for," "intended for," "maintained for," and "occupied for."
- G. Unless the context clearly indicates the contrary, where regulation involves two (2) or more items, conditions, provisions, or events, the terms "and," "or," "either...or," such conjunction shall be interpreted as follows:
 - 1. "And" denotes that all the connected items, conditions, provisions, or events may apply singly or in any combination.
 - 2. "Or" indicates that the connected items, conditions, provisions, or events may apply singly or in any combination.
- H. The term "person" shall mean an individual, firm, corporation, association, partnership, limited liability company or other legal entity, or their agents.
- I. Any word or term not defined herein shall be assumed to have the meaning customarily assigned them.
- J. "Township" shall refer specifically to Caledonia Township.
- K. Any necessary interpretation of this Ordinance shall be made by the Caledonia Township Zoning Board of Appeals.

Section 2.1 - Definitions

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

Abutting: Having property or district line in common; e.g., two lots are abutting if they have property lines in common.

Accelerated Soil Erosion: The increased lay of the land surface that occurs as a result of human activities.

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

Accessory Apartment: A dwelling unit accessory to a single-family residence, located in the principal residential structure. An accessory apartment commonly has its own kitchen, bath, living area, sleeping area, and usually a separate entrance.

Accessory Building or Accessory Structure: A supplemental building or structure devoted to an accessory use and located on the same lot or parcel of land as the main building, or buildings. An accessory structure attached to a main structure shall be considered part of the main structure.

Accessory Building or Accessory Structure, Temporary: An accessory structure with no permanent footings or foundations.

Accessory Sign: A subordinate sign for information or directional purposes only and that is located on the same lot or parcel as the principle sign (i.e., parking signs).

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

Acreage, Net: The actual land available for development within a parcel after the exclusion of road rights-of-way and other such areas not available for development purposes (i.e., steep slopes, wetlands, and the like).

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

Adult Arcade: Any place to which the public is permitted or invited herein coin-operated or slug-operated electronically or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to five (5) or

fewer persons per machine at any one time and where the images so displayed are distinguished or characterized by depicting or describing of Specified Sexual Activities or Specified Anatomical Areas.

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

- A. Books, magazines, periodicals or other printed matter or photographs, films, motion pictures, video cassettes, DVD's or video reproductions, slides or other visual representations or media which depict or describe Specified Sexual Activities or Specified Anatomical Areas; or
- B. Instruments, devices or paraphernalia that are designed for use in connection with Specified Sexual Activities.

A commercial establishment may have other principal business purposes that do not involve the offering for sale or rental of material depicting or describing Specified Sexual Activities or Specified Anatomical Areas and still be categorized as an Adult Bookstore or Adult Video Store. The sale of such material shall be deemed to constitute a principal business purpose of an establishment if it occupies twenty (20) percent or more of the floor area or visible inventory within the establishment.

Adult Cabaret: A nightclub, bar, restaurant or similar commercial establishment that regularly features any of the following:

- A. Persons who appear in a state of nudity;
- B. Live performances that are characterized by the exposure of Specified Anatomical Areas or by Specified Sexual Activities;
- C. Films, motion pictures, video cassettes, DVD's, slides, other photographic reproductions or visual media that are characterized by the depiction or description of Specified Sexual Activities or Specified Anatomical Areas; or
- D. Persons who engage in lewd, or erotic dancing or performances that are intended for the sexual interests or titillation of an audience or customers.

Adult Foster Care Facility: See "State Licensed Residential Facility."

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

- A. Offers accommodation to the public for any form of consideration and provides patrons with closed-circuit television transmissions, films, motion pictures, video

cassettes, slides, other photographic reproductions or visual media that are characterized by the depiction or description of Specified Sexual Activities or Specified Anatomical Areas and has a sign visible from the public right-of-way that advertises the availability of any of the above.

- B. Offers a sleeping room for rent for a period of time that is less than twelve (12) hours; or
- C. Allows a tenant or occupant of a sleeping room to sub-rent for a period of time that is less than twelve (12) hours.

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

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

Agriculture: The art and science of cultivating the ground for the purpose of raising and harvesting trees, fruit or field crops, or animal husbandry for economic gain.

Alley: Any dedicated public right of way affording a secondary or service means of access to abutting property, and not intended for general traffic circulation.

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

Alternative Tower Structure: Man-made trees, clock towers, bell steeples, light poles and other similar alternative-design mounting structures that camouflage or conceal the presence of antennas or towers.

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

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

Antenna: Any exterior transmitting or receiving device mounted on a tower, building or structure and used in communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio signals or other communication signals.

Anemometer Tower: A free-standing tower containing instruments for measuring and recording the speed of the wind.

Apartment: The term "Apartment" shall mean the dwelling unit in a multiple dwelling as defined herein:

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

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

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

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

Apartment, Accessory: See "Accessory Apartment."

Appeal: See "Zoning Appeal."

Applicant: Any person that applies for a permit.

Application: The process by which the owner of a parcel of land within the Township submits a request to develop, construct, build, modify, or erect a structure or commence a Special Use upon such parcel of land. Application includes all written documentation, verbal statements and representations, in whatever form or forum, made by an applicant to the Township concerning such a request.

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

Attached: Any structure or part of a structure immediately adjacent to another structure or part of a structure and fastened securely to same by common walls.

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

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

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

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

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

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

Awning: Roof-like cover that projects from the wall of a building for the purpose of shielding a doorway or window from the elements.

Banner, Flag, or Pennant: Any cloth, bunting, plastic, paper, or similar non-rigid material used for advertising purposes attached to any structure, pole, line, framing, or vehicle, not including the official flags of the United States, the State of Michigan, and other states of the nation, counties, municipalities, official flags of foreign nations and nationally or internationally recognized organizations.

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

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

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

Berm: An earthen mound used for the purpose of landscaping, screening, or enclosing which is compacted and finished with adequate topsoil to support grass or other landscape materials.

Billboard: An outdoor sign advertising services or products, activities, persons, or events which are not made, produced, assembled, stored, distributed, leased, sold, or conducted upon the premises upon which the billboard is located. Billboards may also be referred to as off-premise signs. Billboards do not include bulletin boards on governmental property used to display official or public notices and information.

Block: A property surrounded by streets, or abutting one side of a street and situated between the two nearest intersecting streets, or bounded by a combination of streets, waterways, parks, unplanted acreage, corporation boundary lines, or other natural or man-made, physical or artificial barrier to continual development.

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

Boarding House: See "Rooming House."

Boat Liven/ and/or Canoe Livery and Boat Yard: Any premise on which boats or floats of any kind are kept for the purpose of renting, leasing, repairing, servicing, storing or providing use thereof to persons other than the owners for a charge or fee.

Bordering Lands: See "Adjacent Property."

Boundary Lines: See "Lot Lines."

Breezeway: Any covered passageway between two buildings.

Buffer Strip: A strip of land not less than ten (10) feet in width for the planting of shrubs and/or trees to serve as an obscuring screen to carry out the requirements of this Ordinance. (See "Greenbelt.") When a screen buffer is required, it shall consist of a dense evergreen planting or a solid fence or wall.

Buildable Area: That portion of a lot remaining after the minimum setback and open space requirement of this Ordinance have been complied with.

Buildable Land(s): All areas of a parcel not defined as Unbuildable Land(s).

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

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

Building Height: The elevation measured from the average finished lot grade at the front of the building to the highest point on the roof.

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

Building Permit: A building permit is the written authority issued by the Alcona County Building Department in conformity with the provisions of the Michigan State Construction Code.

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

Building, Temporary: A non-permanent structure.

Cabin: Any building, tent or similar structure which is maintained, offered or used for dwelling or sleeping quarters for transients, or for a temporary residence, but shall not include what are commonly designated as hotels, lodges, houses or tourist homes.

Cabin Court: One (1) or more cabins used for seasonal occupancy as dwelling or sleeping quarters for transients or tourists for a fee.

Campgrounds: Any parcel or tract of land, under the control of any person wherein sites are offered for the use of the public or members of an organization, either free of charge or for a fee for the establishment of temporary living quarters.

Canopy: A permanent roof-like shelter that extends from part or all of a building face and is constructed of non-rigid material, except for the supporting framework.

Carport: A permanent roof-like shelter that is constructed of rigid material.

Certificate of Occupancy: A signed written statement by the Alcona County Building Inspector that specific construction has been inspected and found to comply with all applicable construction codes and specifications.

Child Care Facility: A facility for the care of children (persons under **18** years of age), as licensed and regulated by the State under Public Act 116 of 1973, being M.C.L.A. Sections

722.111 through 722.128 as amended, and the associated rules promulgated by the State Department of Human Services. Such organizations shall be further defined as follows:

- A. Family Child Care Home:** A private home operated by a Michigan licensed day care operator in which at least one (1) but less than seven (7) children are received for care and supervision for periods of less than twenty-four (24) hours a day, unattended by a parent and/or legal guardian, not including children related to an adult member of the resident family by blood, marriage or adoption. It includes a home that gives care to an unrelated child for more than four (4) weeks during a calendar year.
- B. Group Child Care Home:** A private home operated by a Michigan licensed day care operator in which more than six (6) but not more than twelve (12) children are given care and supervision for periods less than twenty-four (24) hours a day, unattended by a parent and/or legal guardian, not including children related to an adult member of the resident family by blood, marriage or adoption. It includes a home that gives care to an unrelated child for more than four (4) weeks during a calendar year.
- C. Child 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. Child care center or day care center includes a facility that 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 child care center, day care center, day nursery, nursery school, parent cooperative preschool, play group, or drop-in center.
- D. Private Home:** A private residence in which the registered facility operator permanently resides as a member of the household.

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

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

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

Cluster Development: A development design technique that concentrates buildings in specific areas on a site to allow the remaining land to be used for recreation, common open space, and preservation of environmentally sensitive areas.

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

Collocate: To place or install wireless communication equipment on an existing wireless communication support structure or in an existing equipment compound.

Commercial: A term relating to the use of property in connection with the purchase, sale or trading of goods for personal services or maintenance of service offices or recreation or amusement enterprise or garage/basement/porch sales lasting more than fourteen (14) days during any twelve-month period.

Commission: Caledonia Township Planning Commission.

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

Condominium Unit: That portion of a condominium development designed and intended for separate ownership and use consistent with the provisions of the master deed, regardless of whether it is intended for residential, office, industrial, business, recreational, use as time share unit or any other type of use.

Construction Code: The Michigan State Construction Code or any Code established in accordance with its provisions or adopted by reference thereunder.

Convalescent or Nursing Home: A structure, qualified for license under applicable Michigan Laws, for the care of children, aged, or infirm.

Cottage Industry: A home-based service conducted entirely within an accessory structure.

Crawl Space: An open area between the floor of a building and the ground.

Crematorium: A facility for the burning of corpses, human or animal, to ashes. Does not include an establishment where an incinerator is used to dispose of toxic or hazardous materials, infectious materials or narcotics.

Crest: The highest point of a property from the water's edge in residential waterfront property.

Critical Area: Land significantly or seriously affected by development.

Day Care Home, Family: See "State Licensed Residential Facility."

Day Care Home, Group: See "State Licensed Residential Facility."

Deck: An unroofed structure used for outdoor living purposes that may or may not be attached to a building and which protrudes more than four (4) inches above finished grade.

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

District: A portion of Caledonia Township in which certain building and activities are permitted and in which certain regulations in accordance with this Ordinance, are applicable. "District" as used herein is synonymous with the word "zone" or "zoning district." See "Zoning District."

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

Drive-In Establishment: A business establishment primarily developed so that its retail or service character is dependent on providing a driveway approach or parking spaces for motor vehicles, so as to serve patrons while in the motor vehicle while parked.

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

Drive-Through Establishment: A business establishment primarily developed so that its retail or service character is dependent on providing a driveway approach for motor vehicles so as to provide patrons with a service while in the motor vehicle which is in the drive-through lane(s). This service is provided from the establishment by means of a window or similar device.

Driveway: A driveway is that portion of a lot intended to be the area upon which vehicles travel from a road (private or public) to a dwelling or other improvements located upon the lot. For single-family dwellings, one (1) driveway may provide access to not more than two (2) units.

Dwelling Apartment: See "Apartment."

Dwelling, Atrium House: A single-family dwelling attached to other similar single-family units, all having a common courtyard.

Dwelling, Condominium: An apartment building or multiple unit single-family dwelling in which each tenant holds full title to his unit and joint ownership in the common grounds.

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

Dwelling, Garden Apartment: A building divided into separate living quarters, each having living and sleeping facilities and all units with common yard areas for outdoor recreation.

Dwelling, Manufactured: A factory-built, single-family structure that is transportable in one (1) or more sections, is built on a permanent chassis, is designed to be used as a dwelling with or without a permanent foundation, is designed to be used as a dwelling when connected to the required utilities, and includes the plumbing, heating, and electrical systems in the structure, but which is not constructed with a permanent hitch or other device allowing transport of the unit other than for the purpose of delivery to a permanent site and which does not have wheels or axles permanently attached to its body or frame. A manufactured home is constructed according to the National Mobile Home Construction and Safety Standards Act of 1974, as amended. The manufactured home shall meet the minimum floor area requirements of this Zoning Ordinance and installed in accordance with all of the other requirements of this Ordinance specified for dwellings when located outside of a licensed Manufactured Housing Development.

Dwelling, Multiple-Family: A building containing three (3) or more dwelling units designed for residential use.

Dwelling, Patio House: A single-family detached or semi-detached dwelling unit, enclosed by walls for privacy.

Dwelling, Single-Family: A detached building containing not more than one (1) dwelling unit designed for residential use.

Dwelling, Town House: A single-family attached dwelling with units sharing common side walls and usually situated in a straight line with each other.

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

Dwelling Unit: A building or portion of a building, either site-built or pre-manufactured which has sleeping, living, cooking and sanitary facilities and can accommodate one family, either permanently or transiently. In the case of buildings which are occupied in part, the portion occupied shall be considered a dwelling unit, provided it is in conformance with the criteria for dwellings. In no case shall a travel trailer, truck, bus, motor home, tent or other such portable structures be considered a dwelling unit.

Dwelling Unit, Secondary: A dwelling unit accessory to a single-family residence with its own kitchen, bath, living area, sleeping area, and separate entrance.

Earth Change: A man-made change in the natural cover or topography of land, including cut and fill activities, which may result in or contribute to soil erosion or sedimentation of the waters of the State.

Easement: The right of a person, government agency, or public utility company to use public or private land owned by another for a specific purpose.

Efficiency Unit: A dwelling unit consisting of one (1) room, exclusive of bathroom, hallway, closets, and the like providing not less than three hundred and fifty (350) square feet of usable floor area.

Equipment Compound: Area surrounding or adjacent to the base of a wireless communications support structure and within which wireless communication equipment is located.

Erected: Includes built, constructed, reconstructed, moved upon or any physical operation on the premises intended or required for a building or structures. Excavation, fill, drainage, land clearing, and general property improvements are not considered part of this definition.

Erosion: The process by which the ground surface is worn away by action of wind, water, gravity, or by a combination thereof.

Essential Services: The phrase "essential services" means the erection, construction, alteration, or maintenance by public utilities or municipal departments or commissions of underground, surface, or overhead gas, electrical, steam, or water transmission or distribution systems, collection, communication supply or disposal systems, including mains, drains, sewers, pipes, conduits, wires, cables, fire alarm boxes, traffic signals, hydrants, towers, poles, and other similar equipment, and accessories in connection therewith reasonably necessary for the furnishing of adequate service by such public utilities or municipal departments or commissions, but not including buildings other than such buildings as are primarily enclosures or shelters of the above essential service equipment. Telecommunication towers or facilities, alternative tower structures, and wireless communications antennas and wind turbine generators are **not** included within this definition.

Excavation: The removal of rock, sand, soil, or fill material below the average grade of the surrounding land, and/or road grade, whichever is highest.

Family: An individual, or two (2) or more persons related by blood, marriage or adoption, or a group of not to exceed four (4) persons not related by blood or marriage, occupying the premises and living as a single non-profit housekeeping unit with single culinary facilities, as distinguished from a group occupying a boarding house, lodging house, hotel, club, fraternity or similar dwelling for group use.

Farm: Structures, facilities, and lands for carrying on of any agricultural activity or the raising of livestock or small animals. Farms include the general as well as the specialized (furs, fowl, dairy, fruits, vegetables, and livestock), but excludes kennels and/or reptiles.

Farm Animals: See "Livestock."

Farm Building: See "Building, Farm."

Feed Lot: Any tract of land, or structure wherein any type of fowl, or the by-products thereof, are raised for retail or wholesale trade, or wherein cattle, horses, sheep, goats, or swine are kept, for the purpose of fattening such livestock for final shipment to market, or where swine are kept under any conditions.

Fence: A permanent partition, structure or gate erected as a dividing marker, barrier or enclosure, and not a part of a principal building or structure or other accessory structure.

Fence Height: The vertical distance from the lowest part of the fence structure to the highest part of the fence structure. When all or part of a fence is installed on wooden, concrete, asphalt, earthen or masonry walls, berms, paving, driveway or fill material that are used for the purpose of enclosure or as a base or support for a fence, the height of such items shall be included in the measurement of the fence height when such items rise higher than the pre-existing ground level as it existed before such items were deposited or erected.

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

Firewood: Trunks and branches of trees and bushes.

Flood Plain: The relatively flat area or lowlands adjoining the channel of watercourse or a body of standing water, which has been or may be covered by flood water. Determination of a flood plain is:

- A. Contiguous areas paralleling a river, stream or other body of water that constitute at their maximum edge the highest flood levels experienced in a period of one-hundred (100) years.
- B. Principal estuary courses of wetland areas that are part of the river flow system.
- C. Contiguous areas paralleling a river, stream or other body of water that exhibit unstable soil conditions for development.

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

Floor Area, Usable Commercial: All floor area used for the sale of merchandise or services or for use to serve patrons, clients, or customers. Floor area used principally for the storage or processing of merchandise, hallways or for utilities, shall be excluded from the computation of usable floor area. For uses not enclosed within a building, the area used for the sale of merchandise, display of merchandise, and/or area used to serve patrons shall be measured to determine necessary parking spaces.

Floor Area, Usable Residential: The floor area available for living purposes exclusive of that used for parking vehicles, utility closets, and the like.

Gasoline Service Station: See "Automobile Service Station."

Gazebo: An accessory building of an open ("see through") design which may be glass and/or screen enclosed.

Grade: The highest point of ground contacting any portion of the basement or foundation of a dwelling.

Grantor: The party who transfers title in real property (seller, giver) to another (buyer, recipient, donee).

Grantee: The party who receives title to real property (buyer, recipient, donee) from the seller (grantor).

Greenbelt: A strip of land not less than ten (10) feet in width for the planting of shrubs and/or trees to serve as an obscuring screen to carry out the requirements of this Ordinance. When a screen buffer is required, it shall consist of a dense evergreen planting.

Greenbelt, Shoreline: A strip (of land) forty (40) feet wide parallel to the bank of a stream or lake maintained in trees and shrubs or in its natural state to serve as waterfront buffer.

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

Heavy Industry: Manufacturing, fabricating activities or other large scale specialized industrial operations having external effects that will be felt to some degree by surrounding uses.

High Banks: Where the crest of the property at the water's edge is more than eight (8) feet above the high water mark and the slope from the crest of the property to the high water mark is more than thirty-six (36) degrees.

Highway: A public thoroughfare or street, excluding alleys, but including Federal, State and County roads and those appearing upon plats recorded in the Office of the Alcona County Register of Deeds and accepted for public maintenance.

Home-Based Business: A profession, occupation, activity or use conducted within a dwelling which is clearly incidental and secondary to the use of the lot and dwelling for residential purposes, and which does not alter the exterior of the property or affect the residential character of the neighborhood and which does not endanger the health, safety, and welfare of any other persons residing in that area by reasons of noise, noxious odor, unsanitary or unsightly conditions, fire hazards and the like, involved in or resulting from such occupation, profession, or hobby. Such occupation shall not require external alterations of construction features, outdoor storage, or signs not customarily in residential areas.

Illegal Sign: A sign which does not meet the requirements of this Ordinance.

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

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

Junk: All rubbish, refuse, waste material, garbage, including, but not limited to, the following: waste composed of animal, fish, fowl, fruit or vegetable matter, dead animals, solid waste which is both capable and incapable of decaying (except human body wastes), ashes, glass, cans, bottles, discarded or abandoned machinery, household appliances, industrial wastes, discarded, inoperative, dismantled or partially dismantled motorized vehicles or parts thereof.

Junkyard: An open area where waste, used or second hand materials are bought and sold, exchanged, stored, baled, packed, disassembled or handled including, but not limited to scrap or other metals, paper, rags, rubber tires and bottles. A "junkyard" includes automobile wrecking yards and includes any area of more than two hundred (200) square feet for storage, keeping or abandonment of junk, but does not include uses established entirely within enclosed buildings.

Kennel: Any lot or premise on which six (6) or more dogs, six (6) months of age or older, are kept temporarily or permanently. Kennel shall also include any lot or premise where household pets are bred or sold.

Keyhole Development: The use of waterfront property as common open space for waterfront access for a larger development located away from the waterfront.

Lake Frontage: The land adjacent to and abutting the mean high water mark of all inland lakes.

Lakefront Lot - Front: The single parcel of property which lies between the building line of a dwelling unit and the mean high water mark of the lake.

Lakefront Lot - Rear: The portion of a single parcel of property which lies between the lot line furthest from the water's edge and the building line of a dwelling unit furthest from the mean high water mark of the lake.

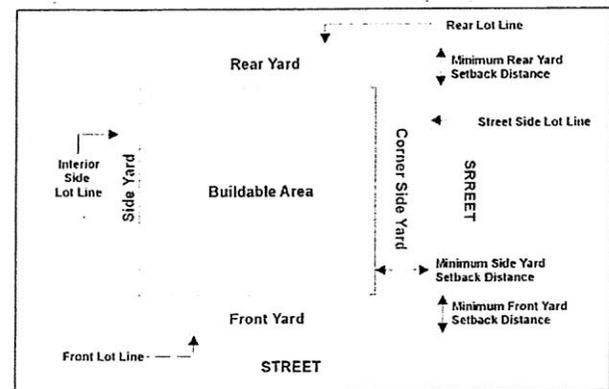
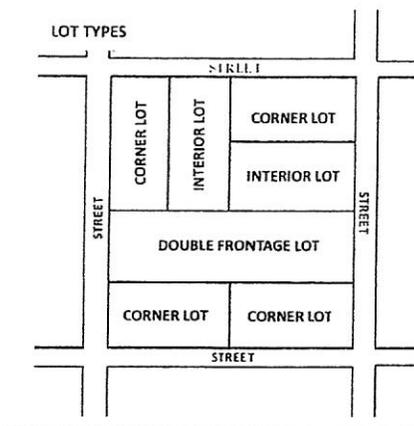
Land Use: A use of land which may result in an earth change, including, but not limited to, subdivision, residential, commercial, industrial, recreational, or other development, private and public highways, road and street construction, drainage construction, logging operations, agricultural practices, and mining.

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

Livestock: Domesticated animals raised for home use or profit. Livestock includes such farm animals as horses, pigs, poultry, cows, goats, sheep, fowl, rabbits, camelids and similar animals.

Loading Space: An off-street space on the same lot with a building, or group of buildings, for temporary parking of a commercial vehicle while loading and unloading merchandise or materials. Off-street loading space is not to be included as an off-street parking space in computation of required off-street parking.

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



Lot, Corner: See "Lot Line, Front."

Lot Coverage: The part or percent of the lot occupied by buildings or structures, including accessory buildings or structures. Includes all buildings, porches, arbors, breezeways, patio roofs, and the like, whether open box type and/or lathe roofs or fully roofed, but shall not include fences, walls or hedges used as fences, or permanent swimming pools.

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

Lot, Double Frontage: A lot other than a corner lot having frontage on two (2) more or less parallel roads. If there are existing structures in the same block fronting on one (1) or both of the roads, the required front yard setback shall be observed on those roads where such structures presently front. (See "Lot, Through.")

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

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

Lot Line, Front: In the case of an interior lot abutting upon a road, the front lot line shall mean the line separating such lot from road right-of-way. In the case of a corner lot, the front lot line shall be that line separating said lot from the road on the side of the lot that has the narrowest road frontage, or if the two lot lines have an equal amount of frontage, the front lot line shall be on the most improved or best rated road according to the Alcona County Road Commission.

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

Lot Line, Side: Any lot line not a front lot line or a rear lot line. A side lot line separating a lot from a street is a side street lot line. A side lot line separating a lot from another lot or lots is an interior side lot line.

Lot of Record: A parcel of land defined by a legal description, or site condominium unit established and recorded by a Master Deed in the Office of the Alcona County Register of Deeds.

Lot, Through: See "Lot, Double Frontage."

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

Lot Width: The mean horizontal distance between side lines, measured at right angles to the side lot line. Where side lot lines are not parallel, the lot size shall be considered as the average of the width between such said lot lines.

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

Manufactured Home: See "Dwelling, Manufactured."

Manufactured Housing Community: Lots, parcels, or tracts of land under the control of a person upon which three (3) or more manufactured 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 manufactured home.

Manufactured Housing Community Homesite: The designated parcel of land within a manufactured housing community upon which one (1) single-family manufactured home and accessory buildings, if any, are placed.

Marquee: A permanent, roof-like shelter that extends from part or all of a building face.

Master Plan: See "Zoning Philosophy Statement" and "Master Plan Context".

Migratory Labor: Temporary or seasonal labor employed in planting or harvesting.

Mobile Home: See "Dwelling, Manufactured."

Mobile Home Park: See "Manufactured Housing Community."

Mobile Home Site: See "Manufactured Housing Community Homesite."

Motel: A series of attached, semi-detached or detached rental units providing overnight lodging for transients, open to the traveling public for compensation.

Noncommercial Use: Use by the owner or lessee for which no compensation is received.

Nonconforming Building or Structure: A building, or structure, lawfully in existence on the effective date of this Ordinance, or any amendments thereto, that does not conform to regulations of the Zoning District in which such building or structure is located.

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

Nonconforming Sign: A sign lawfully existing on the effective date of this Zoning Ordinance, which does not conform to one or more of the regulations set forth in this Zoning Ordinance.

Nonconforming Use: A use of land lawfully in existence on the effective date of this Ordinance, or any amendments thereto, that does not conform to the use regulations of the Zoning District in which it is located.

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

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

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

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

Nursing Home: See "Convalescent Home."

Nursery, Plant Materials: A space, building or structure, or combination thereof, for the growing, harvesting, processing, and storage of live trees, shrubs, or plants offered for retail sale on the premises, including products used for gardening or landscaping. The definition of nursery does **not** include roadside stand.

Obsolete Sign: Any sign that advertises a business or service that is no longer operational.

Occupied: Includes the meaning of intent, design or arranged for occupancy.

Off-Premise Sign: Owned by one party, but placed, with written permission, on the premise of another party.

Off-Street Parking Lot: An area providing vehicular parking spaces along with adequate drives and aisles for maneuvering space to allow unrestricted ingress and egress.

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

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

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

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

Ordinary High Water Mark: The line between upland and bottomland which persists through successive changes in water levels below which the presence and action of the water is so common or recurrent that the character of the land is marked distinctly from the upland and is apparent in the soil itself, the configuration of the soil and the vegetation. On an inland lake which has had a level established by law, it means the high established level. On a river or stream, the ordinary high water line shall be the ten (10) year flood limit line.

Ordinary High Water Mark with Seawall/Breakwall: Properties containing seawalls/breakwalls have an artificial ordinary high water mark and, as such, the forty (40) foot front yard requirement begins at the outside edge of the seawall/breakwall.

Outdoor Furnace: Any equipment, devise or apparatus, or any part thereof, which is installed, affixed or situated outdoors for the primary purpose of combustion of fuel to produce heat or

energy used as a component of a heating system providing heat for any interior space or the heating of water.

Parcel: See "Lot."

Parent Parcel: Any lot, from which sub-lots or sub-parcels are created after the adoption date of this Ordinance.

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

Parking, Off-Street, Lot: See "Off-Street Parking Lot."

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

Patio: A open space, used for outdoor living purposes and constructed of any materials providing a hard, durable surface, which does not protrude more than twelve (12) inches above the finished grade of the property.

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

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

Permanent Soil Erosion Control Measures: Those control measures which are installed or constructed to control soil erosion and which are maintained after completion of the project.

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

Place of Worship: See "Religious Institution."

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

Planning Commission: The commission appointed by the Township Board under the provisions of Public Act 168 of 1959, the "Township Planning Act" as amended. Refers to the Caledonia Township Planning Commission.

Plat: A map or plan of the layout of the subdivision of a parcel of land which is in conformance with all of the provisions of Public Act 288 of 1967; The Land Division Act as amended (formerly the Subdivision Control Act).

Plot: See " Lot."

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

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

Porch, Open: A covered entrance to a building or structure which is not enclosed except for columns supporting the porch roof, and projects out from the main wall of said building or structure and has a separate roof or an integral roof with the principal building or structure to which it is attached.

Portable Sign: Free-standing, not permanently anchored or secured to either a building or the ground.

Principal Structure: The main structure on the premises devoted to the principal use.

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

Private Road: See "Road, Private."

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

Property Owner: A person holding any legal, equitable, option or contract of interest in land.

Property Sign: See "Signs."

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

Public Service: Public Service Facilities within the context of this Ordinance shall include uses and services such as voting booths, pumping stations, fire halls, police stations, temporary quarters for welfare agencies, public health activities and similar uses including essential services.

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

Public Utility: Any person, firm or corporation, municipal department, board or commission fully authorized to furnish and furnishing, under Federal, State or Municipal regulations, to the public: electricity, gas, communications, transportation, water services, or sewage disposal.

Recreational Vehicle: A vehicle designed to be used primarily for recreational purposes, including temporary sleeping quarters and/or cooking facilities; or a unit designed to be attached to a vehicle and used for such purposes, including self-propelled motor homes, pickup campers, fifth wheel trailers, travel trailers, and tent trailers.

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

Religious Institution: A building wherein persons assemble regularly for religious worship, maintained and operated by an organized religious body. Accessory uses, buildings and structures customarily associated with the religious institution are classified as part of the principal use as a church, temple or synagogue.

Residential Structures: Any structure used as a dwelling for permanent year-round, seasonal, vacation or temporary housing by human families or individuals.

Resort: A parcel of land which may contain cabins and/or rooms with or without kitchen facilities, used primarily for vacation and/or recreational activity, and which may or may not contain a small commercial grocery, sporting goods and gasoline service outlets.

Restaurant: A building in which food or beverages are cooked or prepared and offered for sale and where consumption is permitted on the premises whether or not entertainment is offered, having suitable kitchen facilities connected therewith, containing conveniences for cooking and assortment of foods which may be required for ordinary meals, and deriving the major portion of its receipts from the sale of food.

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

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

Road, Private: Any road which is privately constructed and has not been accepted for maintenance by the Alcona County Road Commission, State of Michigan or the Federal Government.

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

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

Roadside Stand: An accessory and temporary farm structure operated for the purpose of selling agricultural products grown or produced on premises or on other properties under the same ownership or management. The operation of only a roadside stand on premises otherwise classified as agricultural or residential shall not make it a commercial district or land nor shall its use be deemed a commercial activity.

Rooming House: Any family-occupied dwelling used or designed in such a manner that certain rooms in excess of those used by the family are rented to the transient public for indefinite periods of time and meals may be served for compensation.

Sanitary Landfill: A public or private landfill that meets all of the requirements of Part 115 of Public Act 451 of 1994, as amended, and the rules promulgated under these Acts by the Michigan Department of Natural Resources.

School: A public or private educational institution offering students a conventional academic curriculum, including kindergartens, elementary schools, middle schools, and high schools. Such term shall also include all adjacent properties owned by and used by such schools for educational, research, and recreational purposes.

Seasonal Residence: A dwelling unit not normally the permanent residence of the occupant(s) and not normally used as a dwelling unit for more than six (6) months during the calendar year.

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

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

Setback, Waterfront: The minimum required horizontal distance measured from the ordinary high water mark within which no buildings or structures may be placed.

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

Shopping Center: A group of commercial establishments, planned, developed, owned, and managed as a unit, with off-street parking provided on the property.

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

Sign: Any structure or part thereof, or device attached thereto or painted or represented thereon, or any material or thing, illumination or otherwise, which displays or includes any numeral, letter, word, model, banner, emblem, insignia, device, code mark or other representation used as, or in the nature of, an announcement, advertisement, direction or designation, of any person, firm, organization, place, commodity, service, business, profession, subdivision, or industry which is located upon any land or in any building, in such a manner as to attract attention from outside the premises. Signs not exceeding three (3) square feet in area bearing only property numbers, mail box numbers or names of occupants of premises are excluded from this definition.

Sign, Abandoned: A sign, which no longer advertises, or identifies a business, lessor, owner, or activity conducted upon or product available on the premises where such sign is displayed.

Sign, Animated or Moving: A sign that uses movement, lighting, or special materials to depict action or create a special effect to imitate movement.

Sign Area: The entire area of any shape which encloses the extreme limits of writing, representation, emblem, logo, or any other figure or similar character, together with any frame or other material or color forming an integral part of the display or used to differentiate the sign from the background against which it is placed, excluding only the structure necessary to support the sign. Where a sign has two or more faces, the area of all faces shall be included in determining the area of the sign, except that where two such faces are placed back to back and are at no point more than two feet from one another, the area of the sign shall be taken as the area of one face if the two faces are of equal area, or as the area of the larger face if the two

faces are of unequal area. In the case of a circle or sphere, the total area of the circle or sphere is divided by two for purposes of determining the maximum permitted sign area. Where a sign consists solely of writing, representation, emblems, logos, or any other figure of similar character which is painted or mounted on a wall or fence, without a distinguishing border the area of such sign shall be computed as if it were framed by a border consisting of horizontal and vertical lines extending not more than six (6) inches from such sign elements.

Sign, Awning: A sign painted on, printed on, incorporated in, or attached flat against the surface of an awning.

Sign, Blade/Bracket: A sign that projects in a perpendicular manner from a structure (bracket sign) or is hung beneath a canopy (blade sign).

Sign, Canopy: Any sign attached to or constructed within or on a canopy.

Sign, Changeable Copy: A sign designed so that the message displayed can be changed.

Sign Clearance: The smallest vertical distance between the grade of the adjacent street or street curb and the lowest point of any sign, including framework and embellishments, extending over that grade.

Sign Copy: The wording on a sign surface in either permanent or removable letter form.

Sign Face: The area of a sign on which the copy is placed.

Sign, Free-Standing: A sign supported by permanent uprights or braces in the ground.

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

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

Sign, Marquee: A sign displayed on a marquee that does not extend vertically or horizontally beyond the limits of the marquee.

Sign, Monument: A sign where the entire bottom of the sign is affixed to the ground.

Sign, Off-Premise: A sign structure advertising an establishment, merchandise, service, or entertainment, which is not sold, produced, manufactured, or furnished at the property on which said sign is located.

Sign, On-Premise: A commercial sign relating in its subject matter to the premises on which it is located, or to activities, products, services, or accommodation of the immediate site.

Sign, Overhanging: A sign that extends beyond any structure wall and is affixed to the structure so that its sign surface is perpendicular to the structure wall.

Sign, Portable: Any sign not permanently attached to the ground or a building and is designed to be transported including but not limited to signs:

- With wheels removed;
- With chassis or support constructed without wheels;
- Designed to be transported by trailer or wheels;
- Converted A- or T-frame signs;
- Attached temporarily to ground, a structure, or other signs;
- Mounted on a vehicle for advertising purposes, parked and visible from the public right-of-way, except signs identifying the related business when the vehicle is being used in normal day-to-day operations of that business;
- Menu and sandwich boards;
- Searchlight stand; and
- Hot-air or gas-filled balloons or umbrellas used for advertising.

Sign, Primary: Any sign not designated an accessory sign or a changeable copy sign and is used for the purpose of displaying primary information about the establishment.

Sign, Real Estate: A temporary sign advertising the real estate upon which the sign is located as being for rent, lease, or sale.

Sign, Roof: Any sign erected, constructed and maintained wholly upon or over the roof of any building with the principal support on the roof structure.

Sign Surface: That portion of a sign excluding its base, foundation and erection supports on which is displayed information pertaining to a product, use, occupancy, function, service, or activity, located within that structure, on the same property as the sign, or at a location different than the property on which the sign is located.

Sign, Temporary: A sign that is intended to be displayed for a limited period of time.

Sign, Wall: Any sign attached parallel to a wall, painted on the wall surface of or erected and confined within the limits of an outside wall of any building or structure, which is supported by such a wall or building, and which displays only one sign surface.

Sign, Window: Any sign, picture, symbol, or combination thereof, designed to communicate information about an activity, business, commodity, event, sale or service, that is placed inside a window or upon the window panes or glass and is visible from the exterior of the window.

Site Plan: The drawings and documents depicting and explaining all salient features of a proposed development so that it may be evaluated according to the procedures set forth in this

Ordinance, to determine if the proposed development meets the requirements of this Zoning Ordinance.

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

Soil Conservation District Standards: See "Soil Conservation Service Handbook."

Special Land Use: A use which is subject to approval by the Township. A Special Land Use may be granted when specified by this Ordinance. A permitted Special Land Use is not considered to be a non-conforming use.

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

Spot Zoning: A change in the zoning map (rezoning) that violates sound principles of zoning and is characterized by the following:

- A. The parcel is small in size relative to its surroundings; and
- B. The proposed rezoning confers benefits and privileges to the property owner which are not generally extended to property similarly located in the area; and
- C. The proposed rezoning allows uses that are not compatible or consistent with uses in the vicinity; and
- D. The proposed rezoning does not comply with the current Master Plan.

Stable: A building for housing domestic animals, other than dogs, cats, or similar small animals, when not conducted as a business and solely for the personal use of the residents of the premise or owner of the property.

Stable, Public: Building in which horses are kept for hire, sale or boarding.

State Licensed Residential Facility: A structure constructed for residential purposes that is licensed by the State pursuant to Act No. 218 of the Public Acts of 1979 (Adult Foster Care Licensing Act), as amended, being Sections 400.701 to 400.737 of the Michigan Compiled Laws, or Act No. 116 of the Public Acts of 1973 (Child Care Organizations), as amended, being Sections 722.111 to 722.128 of the Michigan Compiled Laws, which provides resident services or care for six (6) or fewer individuals under twenty-four (24) hour supervision for persons in need of that supervision or care.

Story: That portion of a building included between the upper surface of any floor and the upper surface of the floor immediately above, except that the top story shall be that portion of a building included between the upper surface of the upper-most floor and the ceiling or roof immediately above. A basement shall be considered a full story only if fifty percent (50%) or more of the vertical distance between the basement floor and the basement ceiling is above the ground level from which the height of the building is measured.

Story, Half: An uppermost story lying between the top part of a full story and a sloping roof, provided said floor area does not exceed one-half (1/2) of the full story, contains at least 160 square feet and has a minimum floor-to-ceiling clearance of 7 feet, 6 inches.

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

Street: A public or private thoroughfare which affords the principal means of access to abutting property, but not an alley.

Stripping: Any activity which removes or significantly disturbs the vegetative surface cover including clearing and grubbing operations.

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

Subdivision: The division of land, lot, tract, or parcel into two or more lots, parcels, plats, or sites, or other divisions of land for the purpose of sale, lease, offer, or development, whether immediate or future. The term shall also include the division of residential, commercial, industrial, agricultural, or other land whether by deed, metes and bounds description, lease, map, plat or other instrument.

Swimming Pool: A permanent, non-portable structure or container located either above or below grade designed to hold water to a depth greater than eighteen (18) inches, intended for swimming or bathing.

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

radio facilities; and government facilities which are subject to State or Federal law or regulations which preempt municipal regulatory authority.

Temporary Accessory Building or Structure: See "Accessory Building" or " Accessory Structure, Temporary."

Temporary Building: See "Building, Temporary."

Temporary Sign: See "Sign, Temporary."

Temporary Soil Erosion Control Measure: Interim soil erosion control measures which are installed or constructed until permanent solid erosion controls are completed.

Temporary Use: See "Use, Temporary."

Tent: A shelter of canvas or the like supported by poles and fastened by cords or pegs driven into the ground and shall not include those types of small tents used solely for children's recreational purposes.

Thoroughfare: See "Highway," " Road, Private," "Road, Public," and "Street."

Tourist Home: Any family-occupied dwelling used or designed in such a manner that certain rooms in excess of those used by the family are rented to the transient public for compensation for definite periods of time. For the purpose of this Ordinance, the term tourist home also includes bed and breakfast facility.

Township: Caledonia Township, Alcona County, Michigan.

Township Board: The Caledonia Township Board.

Tract: See "Lot."

Travel Trailer: See "Recreational Vehicle."

Travel Trailer Park: See "Recreation Vehicle Park (RV Park)."

Untreated Lumber: Dry wood which has been milled and dried but which has not been treated with any petroleum product chemical, preservative, glue, adhesive, stain, paint, varnish or other substance.

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

Use, Accessory: See "Accessory Use."

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

Use, Principal: See "Principal Use."

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

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

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

Vehicle Sales - New: An authorized dealership primarily for the sale of new vehicles but as an incidental use may include the sale of used vehicles, and having complete and enclosed facilities on the premises for the display, service, repair and sale of new vehicles and accessories.

Vehicle Sales - Used: An authorized dealership for the sale of used vehicles with completely enclosed office and sales facilities on the premises. All related activities incidental to the sale of used vehicles such as minor repairing, servicing and restoring, shall be performed within completely enclosed facilities.

Wind Energy Definitions:

Ambient: The sound pressure level exceeded ninety (90) percent of the time.

Anemometer: A device used to measure wind speed.

dB(A): The sound pressure levels in decibels. Refers to the "a" weighted scale defined by ANSI. A method for weighting the frequency spectrum to mimic the human ear.

Decibel: The unit of measure used to express the magnitude of sound pressure and sound intensity.

Hub Height: The distance measured from the ground level to the center of the turbine hub.

Small On-Site Wind Energy Systems: A wind energy conversion system consisting of a wind turbine (horizontal or vertical axis), a tower, and associated control or conversion electronics which has a rated capacity of not more than one hundred (100) kW and which is intended to primarily reduce on-site consumption of utility power.

Shadow Flicker: Alternating changes in light intensity caused by the moving blade of a wind turbine casting shadows on the ground and stationary objects, such as a window of a dwelling.

Sound Pressure: Average rate at which sound energy is transmitted through a unit area in a specified direction. The pressure of the sound measured at a receiver.

Sound Pressure Level: The sound pressure mapped to a logarithmic scale and reported in decibels (dB).

Wind Energy Facility (Commercial): A power generating facility consisting of one or more wind turbines under common ownership or operation control, and includes substations, MET towers, cables/wires, and other buildings accessory to such facility, whose main purpose is to supply electricity to off-site customers.

Wind Turbine Generator: A wind energy conversion system which converts wind energy into electrical energy. Includes a tower, pylon, or other structures including all accessory facilities.

Wind Turbine Generator Total Height: The distance between the ground and the highest point of the wind turbine generator including the top of the blade in its vertical position.

Window Area: Window area shall be computed by calculating each window pane or panel. The area shall be separate for each building face and for each window. A group of window panes or panels may be considered one window if they are adjoining on the building face and are less than six (6) inches apart.

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

Wireless Communications Support Structure: Structure that is designed to support, or is capable of supporting, wireless communications equipment, including a monopole, self-supporting lattice tower, guyed tower, water tower, utility pole or building.

Yard: An open space on the same lot with a building or building group lying between the front, rear or side wall of a building and the nearest lot line, unoccupied except for projections, such as porches and steps, and the specific minor uses or structures allowed in such open space under the provisions of this Ordinance.

Yard Front: A yard across the full width of the lot extending from the front line of the principal building to the front lot line, or road right-of-way line as the case may be.

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

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

Yard, Waterfront: A yard, any part of which abuts on a lake, stream, or any other natural or artificial watercourse.

Zero Lot Line: The location of a building on a lot in such a manner that one (1) or more of the building's sides rests directly on a lot line.

Zoning Administrator: The person retained by the Township Board to administer and enforce this Zoning Ordinance.

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

Zoning Board of Appeals: As used in this Ordinance, the term "Board of Appeals" or "ZBA" means the Zoning Board of Appeals.

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

Zoning Permit: A standard form issued by the Zoning Administrator upon application and declaration by the owner or his duly authorized agent regarding proposed construction and use of land, building and structures thereon granting approval for the construction or use applied for.

Zoning Variance: See "Variance."

ARTICLE 3

GENERAL PROVISIONS

Section 3.0 - Application of Regulations

Zoning affects every structure and use, and extends vertically (the airspace above). The provisions of this Article shall apply to all Districts, except as noted herein.

- A. In order to carry out the intent of this Ordinance, no use or activity on a piece of land shall be commenced or maintained, no building or structure or part thereof shall be allowed to be used, constructed, remodeled, altered, or moved upon any property unless it is in conformance with this Ordinance, with the provisions and intent of the specific Zoning District in which it is located, and a Land Use Permit has been obtained.

Lawful nonconforming uses are subject to the provisions of **Article 6**.

- B. No building shall hereafter be erected or altered to exceed the height limitations, or to occupy a greater percentage of lot area, or intrude upon the required front yard, rear yard, side yard or inner or outer courts, or so as to accommodate or house a greater number of families, or so as to provide less space per dwelling unit than is specified for the district in which such building is located.
- C. No lot area and no yard, court, parking area or other required space shall be so divided, altered, reduced or diminished as to make said area or dimension less than the minimum required under this Ordinance, except where such reduction has been brought about by expansion or acquisition of public rights-of-way for streets, roads or highways. If a required area is already less than the minimum required under this Ordinance, said area or dimension shall not be further divided or reduced. No parcel may be divided in a manner which conflicts with the requirements set forth in the Michigan Land Division Act, as amended.
- D. If any activity, use, building, structure or part thereof is placed upon a piece of property in direct conflict with the intent and provisions of this Ordinance, such activity, use, building or structure shall be declared a nuisance and may be required to be vacated, dismantled, abated, or ceased by any legal means necessary. Such use, activity, building or structure shall not be allowed to function until it is brought into conformance with this Ordinance.
- E. In the event that any lawful use, activity, building or structure which exists or is under

construction at the time of the adoption of this Ordinance and is not in conformance with the provisions of the zoning district in which it is located, such use, activity, building or structure shall be considered a legal nonconforming use and shall be allowed to remain as such, including the completion of construction, providing said construction does not require more than two (2) years from the effective date of this Ordinance for completion.

Section 3.1 - Conflicting Regulations

Wherever in the Township there are provisions in two (2) or more laws or ordinances concerning identical subjects and there are conflicts between said provisions, the law or ordinance with the more stringent requirements, regulations, restrictions or limitations shall govern. Where the requirements of a general provision of this Ordinance and a District regulation differ, the more restrictive requirement shall prevail.

Section 3.2 - Lot-Building Relationship

Hereafter, every building erected, altered or moved shall be located on a zoned lot. Except as provided for temporary dwelling occupancy during construction of a dwelling, multi-family developments, Planned Unit Developments, office complexes, retail business complexes, or industrial complexes, there shall be no more than one (1) principal building and its permitted accessory structures located on each lot in any Zoning District. No building, structure or permanent accessory building shall be erected without first obtaining a Zoning Permit from the Zoning Administrator.

Section 3.3 - Restoration of Unsafe Buildings/Barrier Free Modification

Nothing in this Ordinance shall prevent the strengthening or restoring to a safe condition any part of any building or structure declared unsafe by the Zoning Administrator, Building Inspector, or Public Health Inspector.

Nothing in this Ordinance shall prevent the unlimited modification of a building only as may be necessary to comply with barrier free requirements and the Americans with Disabilities Act.

Section 3.4 - Continued Conformance with Regulations

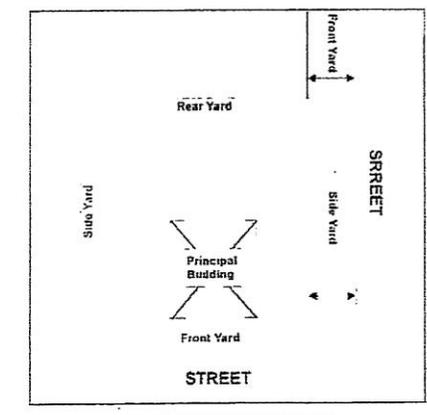
The maintenance of yards, open spaces, lot areas, height and bulk limitations, fences, walls, clear vision areas, parking and loading spaces, and all other requirements, including the proper maintenance and repair of screening arrangements, for a building or use specified within this

Ordinance shall be a continuing obligation of the owner of such building or property on which such building or property or use is located.

Section 3.5 - Accessory Buildings/Structures

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

- A. Where the accessory building/structure is structurally attached to a main building, it shall be subject to and must conform to all regulations of this Ordinance applicable to the main building.
- B. Authorized accessory buildings/structures may be connected to the principal building by a roofed porch, patio, breezeway or similar structure **or** may be completely detached from the principal building.
- C. **Attached Accessory Structures:** Where any accessory structure is attached to a principal building by a common wall, such accessory structure shall be considered part of the principal building for purposes of determining yard dimensions, regardless of whether the accessory building was constructed as a detached building and then attached.
- D. Building accessory to residential buildings shall fit within the yard requirements of the district in which it is located.
- E. **Accessory Structures on Corner Lots:** When an accessory structure is located on a corner lot, the side lot line of which is substantially a continuation of the front lot line on the lot to its rear, said building shall not project beyond the front yard setback line required on the lot in the rear of such corner lot.



F. **Accessory Structures in Front Yard:** Except for **Section 3.5 (F) (1)** and **Section 3.5 (H)**, all accessory-structures for single- and two-family dwellings shall be located in the rear yard of the lot except when attached to the main building. Detached garages when used exclusively for housing automobiles for the main dwelling will be permitted in the side yard area; however, all setback requirements must be met. Accessory structure location in multiple-family dwellings will be reviewed as part of the site plan review process.

1. Detached garages shall be permitted in the front yard in the following Districts: **AG, FR, and R-2.**

G. **Setbacks of Accessory Structures:**

1. **Non-Waterfront Property:** No detached accessory structure shall be located closer than forty (40) feet to any street right-of-way line, nor shall it be located closer than ten (10) feet to any side or rear lot line.
2. **Waterfront Property - Front Yard:** No building shall be constructed closer than forty (40) feet from the high water line. Pump houses will be permitted closer than forty (40) feet if no more than twelve (12) square feet in size and not more than three (3) feet in height. Where needed for lake access, stairways and landings shall be permitted within the waterfront setback. Such structures shall meet State and local building safety codes. Decks/patios are also permitted within the waterfront setback but must not exceed twelve (12) inches above ground level. Necessary safety railings are permitted.

No accessory structure shall be constructed closer than ten (10) feet from any side lot line or forty (40) feet from any street right-of-way line.

H. **Gazebos:** A gazebo must be an open ("see through") structure with no length or width dimension exceeding fifteen (15) feet; the height must not exceed fifteen (15) feet.

1. **Gazebos on Waterfront Property:** Gazebos are permitted in the front yard (waterfront side) on waterfront property no closer than forty (40) feet from the ordinary high water mark or ten (10) feet from the side property liens.
2. **Gazebos on Non-Waterfront Property:** Gazebos are permitted in the front yard on non-waterfront property but must meet the setback requirements (forty (40) feet from the front property line and ten (10) feet from the side property line).

I. **Accessory Building/Structure Height:** For one- and two-family dwellings, no detached accessory building shall exceed thirty-two (32) feet in height. There shall be no height regulations for uses other than one- and two-family dwellings.

- J. A detached accessory building shall not be located nearer than ten (10) feet to the main building.
- K. **Accessory Buildings as Storage:** Truck bodies, school bus bodies, mobile homes, travel trailers or other items built and intended for other uses shall not be used as permanent accessory buildings. Semi-trailers may be used as temporary storage for commercial, industrial, or agricultural establishments for periods of one (1) year or less, but are not intended for permanent storage.
- L. **Accessory Building as a Dwelling:** No detached accessory building or structure (including boathouses) shall be used for dwelling purposes.
- M. **Wind Turbines:** Wind turbines are regulated in **Section 9.27**.

Section 3.6 - Waterfront Setback

To preserve community scenic and recreational values, a waterfront setback no less than forty (40) feet as measured from the ordinary high water mark of a lake or stream shall be established and maintained on all waterfront lots. Within the waterfront setback area, the following development or use restrictions shall apply:

- A. No structures will be permitted in the waterfront setback except:
 - 1. Accessory structures referred to in **Section 3.5 (G)(2)**.
 - 2. Boat launch ramps, pump houses, and docks.
 - 3. Boathouses with a maximum height not exceeding the height of the bank at shoreline (see **Section 3.5 (L)**) shall comply with all State and local regulations.
- B. No burning of leaves or stockpiling of grass, leaves or compost is allowed in the waterfront setback.
- C. Setbacks for septic systems must meet those minimum requirements set by District Health Department No. 2.
- D. No dredging or filling can occur in the waterfront setback without a Soil Erosion and Sediment Control Permit and applicable permits from the appropriate governing entity.
- E. The waterfront setback shall be shown on the plot plan or site plan filed with the Zoning Administrator.

Section 3.7 - Public/Private Boat Launch Sites

A minimum of one hundred (100) of water frontage is required for a public/private boat launch site. (See **Section 3.20 and 3.21.**)

Section 3.8 - Temporary Buildings

A. Temporary Buildings for Construction Purposes:

Temporary buildings may be utilized during construction for the storage of construction materials and for construction offices during a construction period as permitted herein. Temporary structures utilized as dwellings during the construction of a permanent dwelling are controlled by **Section 3.8(B)** of this Ordinance. Temporary buildings for use incidental to construction work shall be removed within thirty (30) days after the completion or abandonment of the work. No structures shall be used for temporary dwelling purposes that do not comply with the requirements of this Ordinance or any applicable building codes, provided the Zoning Board of Appeals may allow variance on the size of temporary dwelling units. No garage or other accessory building or structure, travel trailer, basement, tent, barn, partial or temporary structure, whether of a fixed or portable construction, shall be erected or moved onto a lot and used for any dwelling purposes unless authorized by the issuance of a Zoning Permit by the Zoning Administrator.

All construction debris shall be removed from the site within thirty (30) days after the completion or abandonment of the work. Failure or refusal to remove a temporary building within thirty (30) days after the completion or abandonment of work constitutes a violation of this Ordinance.

B. Temporary Dwelling Occupancy During Construction of a Dwelling:

For the express purpose of promoting the health, safety and general welfare of the inhabitants of the Township, and of reducing hazards to health, life and property, no basement-dwelling, cellar-dwelling, garage-house, tent, camper, travel trailer, recreational vehicle, mobile home not installed according to the requirements of this Ordinance, or other temporary structure shall hereafter be erected or moved upon any premises and used for dwelling purposes except under the following applicable conditions:

1. The location shall conform to the provisions governing yard requirements of standard dwellings in the district where located.
2. The use shall be for the sole purpose of providing dwelling facilities for the owner of the premises during the period in which a dwelling conforming to the provisions of this Ordinance is in the process of erection, construction and

completion, but not to exceed twelve (12) months. One (1) additional twelve (12) month extension may be obtained from the Zoning Administrator upon expiration of the original Zoning Permit. Permanent residential use of the temporary dwelling shall not be permitted. The temporary dwelling shall be removed upon completion of construction of a dwelling complying with the requirements of this Ordinance. Failure or refusal to remove a temporary dwelling within the time frame specified constitutes a violation of this Ordinance.

3. Required water and sanitary facilities will be determined by District Health Department No. 2 and shall precede occupancy of the temporary building.
4. On approval and delivery of the temporary dwelling Zoning Permit, the applicant shall certify in a space allotted for that purpose, and on the copy retained for filing by the Township, that the applicant has full knowledge of the limitations of the permit and the penalty pertaining thereto. No such permit shall be transferable to any other person.
5. No additions shall be constructed to temporary dwellings.

Section 3.9 - Illegal Dwellings

The use of any portion of a basement or partially completed structure shall not be occupied for dwelling purposes unless the structure conforms to the current building code utilized by Alcona County. Garages, accessory buildings, motor homes, travel trailers, trucks, buses, or other such portable structures shall not be occupied for permanent dwelling purposes, except as otherwise allowed in this Ordinance.

Section 3.10 - Moving Buildings

The moving of a building to a different location shall be considered the same as erection of a new building. All provisions, regulations or requirements relative to the erection of a new building shall be applicable to a structure that is moved. No building shall be moved within or into Caledonia Township without first obtaining a Zoning Permit from the Zoning Administrator.

Section 3.11 - Demolition of Buildings

The demolition of buildings shall be completed under conditions that may be specified by the Alcona County Building Department deemed necessary to protect the public health, safety and welfare. Demolished building sites shall be inspected by the Alcona County Building Department.

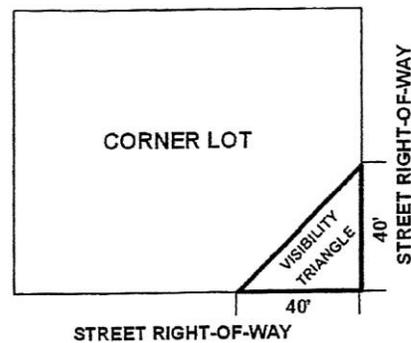
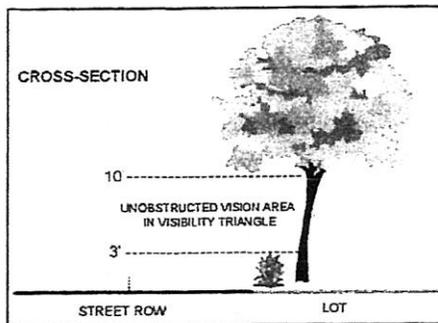
Section 3.12 - Projections

The following encroachments shall be permitted into the setbacks specified in all zoning district classifications:

- A. An open, unenclosed and uncovered porch may project into a yard for a distance not exceeding setback limits from lot lines in the zoning district where the structure is built, but this shall not be interpreted to include or permit fixed canopies or roofs. Porches and other appurtenances shall be considered an integral part of the building to which they are attached and shall be subject to all setback requirements thereof. Architectural features, not including vertical projections, may extend or project into a required front or rear yard setback for no more than three (3) feet. Paved terraces, stamped concrete or wooden decks placed at ground level and/or not to exceed twelve (12) inches in height are allowed within the setback limitations.
- B. In an area considered high banks, decks, stairways or landing may be constructed from the crest of the property to the high water mark and must be in conformance with the Alcona County Building Department regulations. Stairways starting at the crest of the high bank must have non-obscuring handrails and any decks and/or landings must not project beyond the crest of the property and shall be constructed in a way so as not to damage adjoining properties.

Section 3.13 - Intersection Visibility and Street Rights-of-Way

On any corner lot, no fence, wall, screen, hedge, sign or other structure or planting shall obstruct vision between the heights of thirty (30) inches and ten (10) feet within the triangular area formed by the intersecting street right-of-way lines and a straight line intersecting them at points which are on said right-of-way lines and forty (40) feet distant from their point of intersection. Such heights of clear vision areas shall be measured from the elevation of the street center-lines at the point of intersection. No fence, wall, screen, hedge, sign or other structure or planting shall obstruct vision from a driveway between the heights of thirty (30) inches and ten (10) feet, measured above the elevation of the street center line, within ten (10) feet of any front property line.



Section 3.14 - Essential Services

The erection, construction, alteration, maintenance, and operation by public utilities or municipal departments or commissions, of overhead or underground gas, electrical, water distribution, transmission systems, collection, supply systems, including mains, drains, sewers, pipes, conduits, wires, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, poles, electrical substations, gas regulation stations, and other similar equipment and accessories in connection therewith, reasonably necessary for the furnishing of adequate service by such public utility or municipal department or commission or for the public health or safety or general welfare, shall be permitted as authorized or regulated by law and other Ordinances of Caledonia Township in any use district, provided that the above meet the setback and dimensional requirements of the respective districts and the Zoning Administrator is notified at least sixty (60) days prior to any major construction. Electrical substations shall comply with the fencing provisions in **Section 3.20** of this Ordinance. The essential services addressed in this section must also meet all regulations and requirements of the authority having jurisdiction over the road.

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

Section 3.15 - Sanitary Waste Systems

A. All water and sewer services shall be in compliance with District Health Department No. 2 rules and regulations and State of Michigan Laws. It is recommended that any new outside privy is permitted by District Health Department No. 2.

B. Septic System Regulations

1. **Purpose:** In order to prevent or minimize nutrient pollution problems and avoid health risks associated with waterborne disease, the proper construction, operation and maintenance of an on-site sewage disposal system is necessary, and is declared to be a public purpose.

2. **Evaluation of septic system prior to sale:** The owner, agent for the owner or representative of the owner's estate, of a dwelling unit or premise located in the Township shall not sell or transfer ownership of the dwelling unit or premise unless and until the owner has requested that District Health Department No. 2 evaluate the existing on-site sewage disposal system and the results have been furnished in writing to the prospective buyer or grantee as part of the land transaction.

a. The term sell or transfer as used in this section shall include all instances where another party succeeds to the interest of the owner, whether or not the transaction is voluntary, whether it occurs during the owner's life or as a result of his/her death, whether or not the owner retains land contract, mortgage, or other security interest in the property, and whether or not the owner retains a reversionary interest therein. The terms shall exclude any instances where the owner retains a life estate, or any interest as a joint tenant or tenant by the entirety. The terms shall also exclude any instances where the owner retains the right to use and benefit from the property during his/her life, and any instance where the owner has a guardian, conservator or other fiduciary appointed by a court to manage his/her affairs.

b. The **evaluation** shall consist of determination that the on-site sewage disposal system is or is not in substantial conformance with the standards of this Ordinance. The term "substantial conformance" shall mean that there shall not be more than minimal likelihood of water quality

- 1) Vertical isolation distance between the seasonal high groundwater table and the point of sewage discharge.
- 2) Isolation distance from surface water or wetlands, as defined by Federal, State, County and Township law and regulations.
- 3) Isolation distance between sewage system and drinking water wells as defined by Federal, State, County and Township law and regulations.
- 4) On-site conditions of the property, but not limited to soil types, groundwater elevation and flow, site topography and slope.
- 5) Whether the sewage system meets the construction and design criteria, including size and capacity requirements established in State or District Health Department No. 2 codes and regulations, as now or hereafter amended.
- 6) Lot size and usable area for on-site sewage disposal system.
- 7) Operational condition of the existing sewage disposal system.
- 8) District Health Department No. 2 recommends two (2) to five (5) year maintenance for a septic tank with service receipts from a licensed septage hauler.

c. Property without a Sewage Disposal System: For property that does not contain any type of sewage disposal system, the grantor shall furnish the grantee with a statement stating that no sewage disposal system is currently or has ever been on the property.

d. Property with a Sewage Disposal System: For property that contains a sewage disposal system as referenced in the environmental health regulations for District Health Department No. 2 and does not exclude a system that may not be approved, the grantor shall furnish the grantee with a copy of a final inspection or an approved installation record or an evaluation documenting substantial conformance as determined by District Health Department No. 2 regulations. (Note: For animal waste, the Michigan Department of Agriculture, Department of Environmental Quality or other State of Michigan Department may have permitted the system so they are to be substituted for District Health Department No. 2 references.)

- 1) If an inspection by District Health Department No. 2 is required and the system is not in conformance with the Regulations, the grantor shall bring the system in substantial conformance before the final conveyance of title can be completed.
 - 2) If the conveyance of title must be completed and the weather does not permit the system to be brought into substantial conformance, the grantor shall create an escrow account, surety bond, or bank note equal to one-hundred fifty (150) percent of the estimated cost to accomplish the needed work when the weather permits it to be done. Any monies left in the escrow, surety bond or bank note account after the system is in substantial conformance are to be returned to the grantor.
- e. **Property with Other Types of Disposal Systems:** For other types of disposal systems such as incineration, chemical or composting, the grantor shall furnish the grantee with copies of the approved permits showing the system was properly installed (i.e.; meets the International Plumbing Code) or an inspection document stating that the system is properly installed. (If an inspection is required and the system was not properly installed, the grantor shall have the necessary repairs completed to have the system installed properly before the final conveyance of title can be completed.)
3. **Corrective Action:** If upon notice of sale or transfer per **Section 3.15 (B)(2)** it is determined by District Health Department No. 2, based on an on-site inspection and/or a record inspection, that the system is not in substantial conformance as defined in **Section 3.15 (B)(2)(b)**, written notice of this fact shall be made to the owner and prospective purchaser, or grantee by the Township and the system shall be brought into substantial conformance as follows:
- a. **On receipt of notice regarding noncompliance** , the grantee shall submit to District Health Department No. 2 within thirty (30) days a plan of corrective action for review and approval. All necessary correction action shall be completed within one hundred twenty (120) days of plan approval. A construction time extension not to exceed sixty (60) days may be granted if weather conditions prohibit completion within the initial one hundred twenty (120) day period.
 - b. **Before the completion of closing of any real estate transaction** involving property located in the Township, the grantee shall notify the Township that the property is served by a sewage disposal system either in substantial conformance with the Ordinance or shall submit proof of a contract to bring the system into conformance along with a surety bond

issued by an insurance company authorized to do business in the State of Michigan. Any contract for corrective work shall include provisions for completion within one hundred-twenty (120) days of property sale or transfer.

4. Off-site, jointly used, or alternative sewage disposal system: Nothing in this Ordinance shall prevent the use of off-site sewage disposal systems or joint use ownership of a sewage disposal system as long as such systems are in substantial conformance with the standards of this Ordinance and each affected property owner has written legally enforceable rights or easements for use of such system. The written instrument establishing the right to system use shall be furnished as part of the evaluation described in **Section 3.15 (B)(2)** or on request of the Township or District Health Department No. 2 for the purpose of carrying out this Ordinance. Nor shall this Ordinance be interpreted to prevent use of alternative on-site wastewater disposal systems including but not limited to chemical, composting or incinerating toilets, or alternative septic system designs such as mound systems or dozing systems, providing such systems are reviewed and approved by District Health Department No. 2 for use on the site in question.

5. Enforcement

- a. For the purposes of enforcement, existing septic systems regulated under **Section 3.15** of this Ordinance shall not be regulated as a nonconforming use but shall instead be held to the criteria and standards established in **Section 3.15** of this Ordinance.
- b. Any violation of this Section is a violation of the Caledonia Township Zoning Ordinance and as such is subject to administrative and enforcement procedures set forth in **Article 10** of the Ordinance.
- c. In addition to these enforcement means, and in event of noncompliance with any provisions of **Section 3.15**, the Township shall record an affidavit concerning status of the sewage disposal system with the Alcona County Register of Deeds setting forth the fact that the property in question may not be served by a sewage disposal system in substantial conformance with this Ordinance.

C. Permitted Industrial Uses shall be served by a public sewer service or an approved sanitary treatment facility, approved by District Health Department No. 2. All treatment facilities shall meet all other applicable Federal, State, and local standards and regulations. The effluent from same shall be disposed of in a manner and method which conforms to or exceeds the minimum standards of the State of Michigan Water Resources Commission and District Health Department No. 2.

Section 3.16 - On Site Drainage and Runoff Requirements, Grading, and Soil Erosion Control

- A. **Purpose:** The purpose of this Section is to prevent soil erosion and sedimentation from occurring as a result of nonagricultural development by requiring proper provisions for water disposal and the protection of soil surfaces during and after construction, in order to promote the safety, public health and general welfare of the community.

- B. **Compliance:** No site plan shall be approved unless said site plan includes soil erosion and sediment control measures consistent with the requirements of the Alcona County Building Department. **See Section 7.2.**

Permits shall **not** be issued where:

- 1. The work as proposed by the applicant will damage or interfere with any existing drainage course in such a manner as to cause damage or inconvenience to any adjacent property or result in the depositing of debris or sediment on any public way or into any waterway or create an unreasonable hazard to persons or property; or

- 2. The land area for which grading is proposed is subject to geological hazard to the extent that no reasonable amount of corrective work can eliminate or sufficiently reduce settlement, slope instability, or any other such hazard; or

- 3. The land area may lie within the flood plain of any stream or watercourse not specifically designated and delineated by the Zoning Board of Appeals as an area subject to flood hazard, unless a hydroponics report, prepared by a professional engineer, is submitted to certify that the proposed earth change will have, in his/her opinion, no detrimental influence on the public welfare or upon the total development of the watershed.

C. General Requirements

- 1. Any earth changes shall be conducted in such a manner so as to effectively reduce accelerated soil erosion and resulting sedimentation.

- 2. All persons engaged in earth changes shall design, implement, and maintain acceptable soil erosion and sedimentation control measures in conformance with the Soil Erosion and Sedimentation Control Act of 1972 and all official rules of the Michigan Water Resources Commission promulgated pursuant thereto, which effectively reduce accelerated soil erosion.

3. All earth changes shall be designed, constructed and completed in such a manner so that the exposed area of any disturbed land shall be limited to the shortest possible period of time.
4. Sediment caused by accelerated soil erosion shall be removed from runoff water before it leaves the site of the earth change.
5. Any temporary or permanent facility designed and constructed for the conveyance of water around, through, or from the earth change area shall be designed to limit the water flow to a non-erosive velocity.
6. Temporary soil erosion control facilities shall be removed and earth change areas graded and stabilized with permanent soil erosion control measures pursuant to approved standards and specifications as prescribed by the Michigan Water Resources Commission rules.
7. Permanent soil erosion control measures for all slopes, channels, ditches or any disturbed land area shall be completed with sixty (60) calendar days after final grading or the final earth change has been completed. When it is not possible to permanently stabilize a disturbed area after an earth change has been completed or where significant earth change activity ceases, temporary soil erosion control measures shall be implemented within thirty (30) calendar days. All temporary soil erosion control measures shall be maintained until permanent soil erosion control measures are implemented.

- D. Maintenance Requirements:** Persons carrying out soil erosion and sediment control measures under this Section, and all subsequent owners of property concerning which such measures have been taken, shall maintain all permanent erosion control measures, retaining walls, structures, planting and other protective devices.
- E. Minimum Design Standards for Erosion and Sediment Control:** All grading plans and specifications including extensions of previously approved plans shall include provisions for erosion and sediment control.
- F. Exceptions:** This Section does not apply to land on which a person, partnership or corporation is engaged in the industry generally referred to as logging, or is engaged in the industry generally referred to as mining or the plowing or tilling of land for the purpose of crop production or the harvesting of crops.

Section 3.17 - Manufactured Homes on Individual Lots or Parcels

A manufactured home newly sited on an individual lot shall meet the standards for minimum lot size, yard set-backs, and minimum floor area for the district in which it is located and shall meet the following additional standards:

- A. Manufactured homes shall be attached to an approved permanent foundation or basement and shall be anchored using a system that meets the Michigan Manufactured Housing Commission requirements.
- B. The wheels, axles and towing assembly shall be removed from a manufactured home before the unit is attached to the foundation. Additionally, no manufactured home shall have any exposed undercarriage or chassis.
- C. Manufactured homes shall be installed according to the United States Department of Housing and Urban Development (HUD) regulations entitled "Manufactured Home Installation Standards," and the construction of the unit shall comply with the United States Department of Housing and Urban Development (HUD) regulations entitled "Manufactured Home Construction and Safety Standards," being 24 CFR part 3280, as amended.
- D. Manufactured homes shall not be attached to each other. Additions, new roofs and accessory buildings may be attached to a manufactured home.
- E. No person shall occupy a manufactured home as a dwelling within the Township until a Certificate of Occupancy with the HUD Code has been issued by the Alcona County Building Department.
- F. No manufactured home shall be located or placed in the Township without prior completion of site preparation to include electric, water, sewage disposal and foundation to meet the current HUD rules and regulations and District Health Department No. 2 regulations.
- G. Manufactured homes shall not be used as accessory buildings.
- H. No unoccupied manufactured home shall be stored on any lot or parcel in the Township.

Section 3.18 - Recreational Vehicles or Travel Trailers

- A. In all districts, travel trailers and similar recreational vehicles may be stored on a lot, or parcel of land containing a dwelling unit, subject to the following conditions:

1. The travel trailer or recreational vehicle shall carry current State license plates.
 2. Travel trailers or recreational vehicles may be stored in a rear or side yard of a lot containing a permanent dwelling, provided the yard setback requirements are met.
 3. The travel trailer or recreational vehicle is not connected to water and sewer services.
 4. The unit is not used for permanent/continuous dwelling purposes.
 5. The open storage of multiple travel trailers or recreational vehicles shall not occur on vacant or unimproved property, unless permitted in accordance with a properly zoned outdoor storage or commercial facility.
- B. Camping on private property on which no dwelling unit is located shall be permitted in all districts providing that the recreational vehicle shall occupy such a parcel for not longer than ninety (90) consecutive days and not more than a total of one hundred twenty (120) days in a calendar year, subject to the following conditions:
1. Yard setback requirements for the district where the unit is located shall be met.
 2. Water and electrical services may be connected; however, no sewage or on-site disposal allowed without a District Health Department No. 2 approved septic system.
 3. Multiple recreational vehicles and travel trailers on said private property shall be limited to no more than fourteen (14) consecutive days.

Section 3.19 - Home-Based Businesses and Cottage Industries

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

A. Home-Based Businesses

1. Home-Based Businesses are permitted in all zoning districts in which single-family dwellings are permitted as a matter of right. A Zoning Permit is required.

2. Home-Based Businesses shall be operated entirely within the dwelling and/or within an attached garage and not within a detached garage or accessory building. No more than twenty-five percent (25%) of the dwelling's ground floor area shall be devoted to the Home-Based Business. Detached residential garages may be used only for incidental storage.
3. Additions to a dwelling for the purpose of conducting a Home-Based Business shall meet all required setbacks in the zoning district classification in which the dwelling is located, and shall be designed so that the addition can be used for dwelling purposes if the home occupation is discontinued.
4. Home-Based Businesses shall be incidental and subordinate to the principal use of the dwelling for residential purposes and shall not detract from the residential character of the premises or the neighborhood.
5. Home-Based Businesses shall not result in the creation of conditions that would constitute a nuisance to neighboring property owners, nor to the Township as a whole. Any machinery, mechanical devices, or equipment employed in the conduct of a Home-Based Business shall not generate noise, vibration, radiation, odor, glare, smoke, steam, or other condition not typically associated with the use of the dwelling for residential purposes.
6. Traffic and delivery or pickup of goods shall not exceed that normally created by residential uses.
7. The outdoor storage of goods and/or materials of any kind is prohibited.
8. There shall be no parking permitted within any setback areas.
9. No process, chemicals, or materials shall be used which are contrary to applicable State or Federal laws.
10. The utilization of a dwelling for instruction in a fine art or craft is specifically permitted.

B. Cottage Industries

1. Cottage Industries are permitted as a Permitted Use in any zoning district in which single-family dwellings are permitted as a matter of right. If the premises are sold, leased, or rented to a party other than the applicant, the permit shall be reviewed by the Zoning Administrator for compliance with the original permit.

2. Cottage Industries shall be incidental and subordinate to the use of the premises for residential purposes and shall not detract from the residential character of the premises or neighborhood. There shall be no exterior evidence of such industry.
3. A Cottage Industry shall occupy not more than one (1) building. The floor area of such building shall not exceed twenty-four hundred (2400) square feet.
4. The outdoor storage of goods and/or materials of any kind is prohibited unless screened (by a tight-board wood fence, landscaped buffer, landscaped berm, etc.) from view from neighboring property and bordering road rights-of-way. If screening is required, the type and location shall meet all required setbacks and shall be approved by the Zoning Administrator.
5. Cottage Industries shall not result in the creation of conditions that would constitute a nuisance to neighboring property owners and surrounding zoning districts. Machinery, mechanical devices or equipment employed in the conduct of a Cottage Industry shall not generate noise, vibration, radiation, odor, glare, smoke, steam, or other conditions not typically associated with the use of the premises for residential purposes.
6. Traffic and delivery or pickup of goods shall not exceed that normally created by residential uses.
7. To ensure that the Cottage Industry is compatible with surrounding residential use, the Planning Commission shall limit the number of vehicles that may be parked on the Cottage Industry premises during business operations.

C. Termination, Extensions, Revisions, and Inspections

1. Upon written application by the owner, the Planning Commission may, for just cause, grant a time extension for compliance with the conditions of this Section.
2. Any Home-Based Business or Cottage Industry shall be subject to periodic review by the Zoning Administrator.
3. If the Zoning Administrator has reason to believe the property owner is in violation of his/her permit or that grounds for revocation exist, **written** notice of alleged violation(s) shall be sent to the operator of the Home-Based Business or Cottage Industry and to the owner of the real property premises, if different from the operator of the Home-Based Business or Cottage Industry. The operator shall be afforded the opportunity to appear at a public hearing before the Planning Commission to present his/her case. The hearing notice procedures shall be the same as those for a Special Land Use.

4. Following the public hearing, the Planning Commission shall make a decision about the alleged violation based on specific written and recorded findings of fact. The Planning Commission shall have the authority to limit the hours of operation, to impose conditions of operation or, if deemed necessary, to order the complete termination of the activity if the activity is found to be in conflict with provisions of this Section.
5. Proposed revisions or additions to a Home-Based Business or Cottage Industry shall constitute a change of use and shall be subject to new permit approval.

Section 3.20 - Fences and Walls

- A. **Fences in all Districts except Waterfront Property:** No fence or wall shall be constructed which exceeds four (4) feet in height for a distance of forty (40) feet back from the front lot line.
- B. **Fences on Waterfront Property:** No fence or wall shall be permitted for a distance of forty (40) feet back from the ordinary high water mark, nor shall fences or walls exceed four (4) feet in height, except for the following:
 1. On a side yard lot line which separates a lot from a commercial business or a lake access lot, a six (6) foot fence, set back for a distance of forty (40) feet from the ordinary high water mark, may be allowed. On the same side yard lot line, a non-obstructing view, aesthetically pleasing split rail or comparative style fence no higher than four (4) feet shall be permitted in the forty (40) foot setback from the ordinary high water mark.
 2. All public boat launch sites shall be fenced for the entire length of site on sides not facing the lake or a public roadway. The fencing shall consist of chain link type with a minimum of six (6) feet in height and shall meet Township specifications through the site plan approval process.
 3. In an area considered high banks (**Section 2.1 - Definitions**), a non-obstructing barrier fence may be constructed for safety purposes on the crest of the property within the forty (40) foot setback.
- C. **Fences in Agricultural (AG):** The height of fences protecting hay from deer or other agricultural uses may receive an exemption from the Ordinance when determined by the Zoning Administrator using State guidelines.

- D. The portions of all fences facing property other than the property of the fence owner or facing a street right-of-way shall be finished so that, to the extent possible by the design of the fence, the fence posts and the horizontal and/or vertical fence supports are not visible from that other property or from the street right-of-way.
- E. Any combination of fence and berm cannot exceed the height limitation for the particular district the property is located in.
- F. **Swimming Pools:** Yard areas with private pools are to be fenced to discourage unauthorized use. Fencing with a self-closing and self-latching device must comply with State or local regulations.
- G. All fences shall be maintained in good condition and shall not constitute a safety hazard. Any fence not maintained as required by this subsection shall be removed by the owner or by the Township at the owner's expense.
- H. Fences and walls used to separate residential uses from non-residential uses shall follow the regulations in **Section 3.21 (G)**.

Section 3.21 - Landscaping and Buffering

It is the intent of this Section to require landscape screening to minimize visual impacts of **commercial** and **industrial development** along roadways and to provide for landscaping within parking lots. In addition, the intent is to preserve and enhance the aesthetic qualities, character, privacy and land use values along roadways. It is also the intention of this Section to provide for buffering between residential and non-residential uses. The Planning Commission will use the following requirements listed in **subsections A thru H** as a guideline for approving the site plan. Deviations may be permitted but must meet the intent of this section.

- A. **Application:** These requirements shall apply to all uses for which site plan review is required under **Article 7** of the Zoning Ordinance. No site plan shall be approved unless the site plan shows landscaping, greenbelt buffers, and screening consistent with the requirements set forth in this Ordinance. Screening is the enclosure of an area by a visual barrier, which may include a landscape buffer, solid fencing or other materials.

- B. **Landscape Plan**

A Landscape Plan shall be submitted as either part of the required site plan or as a separate plan if permitted by the Planning Commission during site plan review. The Landscape Plan shall contain, at a minimum, the following:

1. Location, spacing, size, and root type (bare root (BR) or balled and burlaped (BB)) and descriptions for each plant type proposed for use within the required landscape area.
2. Minimum scale: Same scale as required for site plan.
3. Existing and proposed contours on-site and one hundred fifty (150) feet beyond the site at intervals not to exceed two (2) feet.
4. 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.
5. Significant construction details to resolve specific site conditions, such as tree wells to preserve existing trees or culverts to maintain natural drainage patterns.
6. Planting and staking details in either text or drawing form to ensure proper installation and establishment of proposed plant materials.
7. Identification of existing trees and vegetative cover to be preserved.
8. Identification of grass and other ground cover and method of planting.
9. Identification of landscape maintenance program including statement that all diseased, damaged, or dead materials shall be replaced in accordance with standards of this Ordinance.

C. Parking lot Landscaping

The Planning Commission may alter the following standards pertaining to parking lot landscaping based on the individual circumstance during the site plan review process.

1. Separate landscaped areas shall be required either within or at the perimeter of parking lots. There shall be one (1) tree for every eight (8) parking spaces, with minimum landscaped space within a designated parking area of fifty (50) square feet. A minimum distance of three (3) feet shall be established between proposed tree or shrub plantings and the backside of the curb or edge of the pavement.
2. Individual landscaped areas shall be a minimum of eighteen (18) feet wide and three hundred twenty-four (324) square feet in area.
3. A minimum of a ten (10) foot buffer zone shall be provided on each side of a boat launch site. Within this buffer zone, the owner of the launch site shall

install and maintain a continuous row of appropriate evergreen trees, spaced so as to provide a site barrier to adjacent properties. The height of the evergreens shall be no less than four (4) feet at time of planting. A public roadway on one side of the site would supplant the required evergreen barrier on that side.

D. Highway Landscape Buffers

1. A strip of land with a minimum width equal to the front yard setback of its zoning classification shall be located between the abutting right-of-way of a public street or major thoroughfare is required as a "highway landscape buffer." The highway landscape buffer shall contain a minimum of one (1) tree not less than twelve (12) feet in height or a minimum caliper of two and one-half (2-1/2) 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 buffer shall be landscaped in grass, ground cover, shrubs, and/or other natural, living, landscape material. The area along the roadway proposed to be grassed shall be minimized and directly related to the necessity, if any, for an ornamental landscape character.
2. Access ways from public rights-of-way through required landscape strips shall be permitted, but such access ways shall not be subtracted from the lineal dimension used to determine the minimum number of trees required unless the calculation would result in a violation of the spacing requirement set forth in this Section.

E. Site Landscaping

1. In addition to any landscape areas and/or parking lot landscaping required by this Ordinance, at least ten (10%) percent of the site area, including existing thoroughfare rights-of-way, shall be landscaped.
2. Areas used for storm drainage purposes, such as unfenced drainage courses, or retention areas in front or side yards, may be included as a portion of the required landscaped area.

F. General Landscape Development Standards

1. Minimum Plant Material Standards:

- a. All plant material shall be hardy to Alcona County, free of disease and insects and conform to the standards of the American Association of Nurserymen.

- b. All plant materials shall be installed in such a manner so as not to alter drainage patterns on site or adjacent properties or obstruct vision for reasons of safety, ingress or egress.
- c. All plant materials shall be planted in a manner so as to not cause damage to utility lines (above and below ground) and public roadways.
- d. Minimum plant sizes at time of installation:

Deciduous Canopy Trees	2 1/2" caliper
Deciduous Ornamental Trees	2" caliper
Evergreen Trees	6' height
Deciduous Shrubs	2' height
Upright Evergreen Shrubs	2' height
Spreading Evergreen Shrubs	18" - 24" spread
- e. Existing plant material, which complies with the standards and intent of this Ordinance, as determined by the Zoning Administrator, shall be credited toward meeting the landscape requirements.
- f. The plant material shall achieve its horizontal and vertical screening effect within four (4) years of initial installation.

2. Minimum Standard for Berms

- a. Berms shall be constructed so as to maintain a side slope not to exceed a one (1) foot rise to a three (3) foot run ratio.
- b. Berms not containing planting beds shall be covered with grass or living groundcover maintained in a healthy growing condition.
- c. Berms shall be constructed in a way that does not alter drainage patterns on site or on adjacent properties, nor shall it obstruct vision for reasons of safety, ingress or egress.
- d. If a berm is constructed with a retaining wall or by terracing, the earthen slope shall face the exterior of the site.

G. Landscape Buffers and Protective Screening

For nonresidential uses, except farms, which abut a permitted residential use, or which are adjacent to a Residential District boundary, there shall be provided and maintained greenbelts, fences or walls as required below. These requirements do not apply whenever the use, storage area, etc., is more than four hundred (400) feet from an

adjacent Residential District boundary or residential use. The specifications of the protective screening shall be submitted as part of the site plan. Some exceptions to these requirements applying to more intense Special Land Uses may be contained in **Article 9**.

- 1. Width of landscape buffers:** Landscape buffers (greenbelts) shall be at least ten (10) feet in width.
- 2. Height of landscape buffers:** Height of landscape buffers shall be no less than eight (8) feet for trees and four (4) feet for shrubs.
- 3. Height of protective screening (fences and walls):** Height of fences or walls shall be no less than six (6) feet.

H. Installation and Maintenance

1. All landscaping and landscape elements shall be planted, and earth moving or grading performed according to accepted good planting and grading procedures.
2. The owner or occupant, if different from 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 accessible water supply.

Section 3.22 - Parking and Loading Space Requirements

In all Zoning Districts, off-street parking requirements for the storage and parking of self-propelled motor vehicles for the use of occupants, employees and patrons of the buildings hereafter erected, altered or extended after the effective date of this Ordinance shall be provided as herein prescribed. Such space shall be maintained and shall not be encroached upon by buildings, structures, open-air businesses or outdoor commercial recreation uses so long as said main buildings or structures remain, unless an equivalent number of such spaces are provided elsewhere in conformance with the Ordinance.

A. Parking Requirements

- 1. Fractional Spaces:** When units or measurements determining number of required parking spaces result in requirement of a fractional space, any fraction up to and including one-half (**1/2**) shall be disregarded, and fractions over one-half (1/2) shall require one parking space.

- 2. Residential:** The off-street parking facilities required for residential dwellings shall be located on the same lot or plot of ground as the dwellings they are intended to serve, behind the front setback line, and shall consist of a parking strip, parking apron, driveway, carport, and/or garage or some combination thereof.
- 3. Non-Residential:** The off-street parking facilities required for uses other than residential shall be located on the lot or other lots within five hundred (500) feet for Industrial Districts and three hundred (300) feet for all other Districts. Such distance to be measured along lines of public access to the property between the nearest point of the parking facility to the nearest point of the building to be served.
- 4. Loading Space:** Loading space as required elsewhere in this Ordinance dealing with off-street loading requirements shall not be construed as also supplying off-street parking space.
- 5. Changes:** Areas designated for required off-street parking shall not be changed to any other use unless and until equal facilities meeting the standards of this Section are provided and approved at a differing location on the property or elsewhere as permitted within this Ordinance. If parking requirements for the site are changed due to a change in use or occupancy, the designated off-street parking areas may be revised and approved only in accordance with a site plan to be submitted to the Planning Commission in accordance with **Article 7** of this Ordinance.
- 6. Existing Parking:** Off-street parking existing at the effective date of this Ordinance in connection with the operation of an existing building or use shall not be reduced to an amount less than required for a similar new building or new use.
- 7. Collaborative Parking:** Two (2) or more buildings or uses may collectively provide the required off-street parking. In which case, the required number of parking spaces for the individual uses may be reduced by up to twenty-five (25%) percent if a signed agreement is provided by the property owners. Such parking requirements shall bind future owners of parcels and shall be recorded with the Alcona County Register of Deeds.
- 8. Time Limit:** Except when land is used as storage space in direct connection with the business of a repair or service garage, a twenty-four (24) hour time limit for parking in non-residential off-street parking areas shall prevail.
- 9. Storage of Vehicles and Merchandise:** It shall be unlawful to park or store any motor vehicle on any private property without the expressed or implied consent

of the owner, holder, occupant, lessee, agent or trustee of said private property. The storage of merchandise, the storage of inoperable or partially dismantled vehicles, vehicles for sale, trucks, or the repair of vehicles is prohibited on required off-street parking lots.

- 10. Parking Lot Deferment:** Where the property owner can demonstrate that the required amount of parking is excessive or where there will be a dual function of parking spaces between two uses where operating hours do not overlap, the Planning Commission may approve a smaller parking area. Area of sufficient size to meet the parking space requirements of this Section shall be retained as open space, and the owner shall agree to construct the additional parking if needed at the direction of the Planning Commission based on observed usage within six (6) months of being informed of such request in writing by the Zoning Administrator. The site plan shall note the area where parking is being deferred, including dimensions and a dotted parking lot layout. Any required landscaping placed in this area shall be relocated when the parking area is expanded.
- 11. Excessive Parking Space:** In order to minimize excessive areas of pavement, which are unsightly and contribute to high rates of stormwater runoff, exceeding the minimum parking space requirements by greater than ten (10%) percent shall not be allowed, except as approved by the Planning Commission. In granting such additional space, the Planning Commission shall determine that such parking will be required, based on documented evidence, to accommodate the use on a typical day.
- 12. Uses Not Mentioned:** For those uses not specifically mentioned, the requirements for off-street parking facilities shall be in accordance with the use which the Planning Commission considers to be similar in type.

B. General Standards

1. Plans for the development of any parking lot shall be submitted as part of the site plan to the Zoning Administrator, and must be approved by said Zoning Administrator prior to the start of construction. The construction of the entire parking lot shall be completed to the satisfaction of the Zoning Administrator.
2. Adequate points or means of ingress and egress shall be provided and shown in the plan submitted.
3. Such parking lots shall be surfaced with concrete, asphalt or crushed rock materials, and maintained in a usable dust-proof condition, and shall be graded and drained adequately.

4. All illumination (lighting) for off-street parking areas shall be installed in such a manner as not to concentrate light in a disturbing manner upon adjacent structures.
5. Plans for the layout of off-street parking facilities shall be in accordance with the minimum regulations in **Section C**.

C. Specific Standards

1. Parking Space Dimensions:

All required off-street parking spaces shall meet the following dimensional standards:

Parking Pattern (in degrees)	Maneuvering Lane Width	Parking Space		
		Width	Length	Total Width of 2 Parking Stalls Plus Maneuvering Aisle
0 degrees (parallel parking)	12'	8.5'	24'	29' (one-way)
				32' (two-way)
Up to 53 degrees	13'	9'	21'	55' (one-way)
54 — 74 degrees	18'	9'	22'	62' (one-way)
75 — 90 degrees	24'	9'	20'*	44' (one-way)

* May include a maximum of two (2) foot unobstructed vehicle parking area at the front of the parking space to account for normal vehicle overhang.

- 2. Vehicle Stacking Space:** Stacking spaces required for vehicles waiting to access service windows, pumps, pedestals or other service facilities shall be dimensioned to be twenty (20) feet by ten (10) feet per space, but shall not include the space vehicles actually use at the time of service. Where a use provides a drive-through or similar service, but is not within use categories for which specific standards are provided, the Planning Commission may require a minimum number of stacking spaces which are equivalent to the number required for a use which the Planning Commission determines to be most similar.

3. **Number of Parking Spaces:** The number of off-street parking spaces shall be in accordance with the following schedule:

<i>Residential Parking Requirements</i>	
<i>Use</i>	<i>Requirements</i>
One-family and two-family	2 for each dwelling unit
Multiple family	1.5 per each efficiency or one-bedroom dwelling unit, 2 per each unit with 2 or more bedrooms
Mobile homes	2 for each mobile home site
Housing for the elderly	1 for each 2 units, and 1 for each employee Should units revert to general occupancy, then 2 spaces per unit shall be provided
Rooming houses and group quarters	1 for each bed
Group day care homes	2 for each home in addition to the 2 required for the residence For this use only, such additional spaces may be located in the side yard setback

<i>Institutional Parking Requirements</i>	
<i>Use</i>	<i>Requirements</i>
Churches, temples, or similar places of worship; theaters, auditoriums, and assembly buildings; stadiums, sports arenas, or similar places of outdoor assembly	1 space for each 3 seats or 6 linear feet of benches in the main unit, plus 1 for each 2 employees
Nursery schools, day nurseries, or child day care centers	1 for each employee plus 1 space for each 8 children of licensed authorized capacity
Elementary, middle, and junior high schools	1 for each 1 teacher, employee, or administrator, or the requirements of the auditorium, whichever is greater. If no such auditorium exists, then one space per classroom in addition to that for each teacher, employee or administrator.
Senior high schools	1 for each 1 teacher, employee, administrator, and 1 for each 5 students; or the requirements of the auditorium, whichever is greater. In addition, one for every 10 students.
Colleges and universities	1 for each teacher, employee, administrator, and 1 for each 10 students
Government offices	1 for every 1000 square feet of usable floor area
Homes for the aged and convalescent homes	1 for each 3 beds or 2 rooms, whichever is less, plus 1 for each employee on duty based upon maximum employment shift. I
Private clubs or lodges	1 for each 3 persons allowed within the maximum occupancy load as established by city, county, or state fire, building, or health codes
Hospitals	1 for every 2 beds, one for each doctor, one for every two employees, plus one for every 1,000 square feet of treatment area.

Business Parking Requirements

<i>Use</i>	<i>Requirements</i>
Professional offices of doctors, dentists, or similar professions	4 for every 1000 square feet of usable floor area
Bank, business offices, or non-medical professional offices	1 for each 200 square feet of useable floor area, plus 2 spaces for each ATM, and stacking area equivalent to 3 stacking spaces for each drive up window
Restaurants and establishments for on Premises sale and consumption of food, refreshments, and/or beverages	1 for each 2 persons of seating capacity
Food consumption services or drive in, drive through, or take out	Use seating capacity standards as applicable for sit-down restaurants. A minimum of 5 stacking spaces shall be provided for each service window where a drive through operation is present.
Motel, hotel, or other commercial lodging establishments	1 for each guest bedroom plus 1 for each 1 employee, plus spaces for any dining rooms, cocktail lounges, ballrooms, or meeting rooms, based upon maximum occupancy code
Furniture and appliance, hardware, household equipment, repair shops, shoe repair, showroom of a plumber, decorator, electrician or similar trade, and other similar uses	1 for each 800 feet of useable floor area, plus 1 for each 2 employees
Retail stores, planned commercial or shopping centers by square feet of gross leasable area (GLA)	1 space per 150 square feet of useable floor area plus 3 stacking spaces are required for each service bay, window, or pedestal
A. 1 to 15,000 square feet GLA	
B. 15,001 to 400,000 square feet GLA	3.0 spaces minimum, 3.75 maximum, per 1000 GLA
C. 400,001 square feet GLA and higher	3.5 spaces minimum, 4 maximum, per 1000 GLA
Retail stores except as otherwise specified	1 for each 150 square feet of useable floor area
Convenience store, with or without automotive fuel service	4 spaces for every 1000 square feet of usable floor area, plus spaces required for automotive fuel service

Beauty parlor or barber shop	2 spaces for each of the—first 2 beauty or barber chairs, and 1.5 spaces for each additional chair
Laundromats and coin operated dry cleaners	1 for each 3 washing and/or dry cleaning machines
Dry cleaners	2 for every 1000 square feet of gross 1
Mortuary establishment	3 for each 100 square feet of useable floor 1 area
Auto service stations	2 for each service rack or pit and 1 for each single or dual gasoline pump, but not less than 6 spaces
Automobile wash (self-service or coin operated)	3 for each washing stall in addition to the stall itself, plus 1 upon exiting each stall
Motor vehicle sales and service	1 for each 200 square feet of gross floor space of sales room and 1 for each 1 service stall.
Marine sales and service centers, including RVs	1 space for each employee, and 1 for each service stall. Add 1 space for every 400 square feet usable floor area of the sales room, but not less than 5 spaces with or without a showroom
Veterinary clinics or hospitals	4 for every 1000 square feet of usable floor area
Mini-warehouses, self-storage establishments	1 per 10 storage units, equally distributed throughout the storage area

Miscellaneous Use Parking Requirements	
Use	Requirements
Wholesale establishments	5 spaces, plus 1 for every 1.5 employees in the largest working shift; or 1 for every 1700 square feet of useable space, whichever is greater
Warehouse and/or storage building	5 spaces, plus 1 for each 3 employees; or 1 for every 1700 square feet of useable floor area, whichever is greater

Industrial Establishments	One for every 1 1/2 employees based on the greatest number of persons employed at any one period during the day or night.
Mini-Storage, Self Storage facilities	No designated parking spaces shall be required in addition to the traffic circulation pattern shown on the approved site plan.
Dance Halls, Exhibition Halls, Pool Halls, Billiard Parlors and Assembly Halls without fixed seats	1 per every 2 persons allowed within the maximum occupancy load.
Golf Courses	5 per hole, plus one for each employee

Note: Any change of use shall be required to meet the parking requirements for the revised use, and obtain approval of such.

Note: Square footage refers to "Usable Floor Area."

D. Loading Space Requirements

1. For every building, or addition to an existing building, hereafter erected to be occupied by a use allowed in any Commercial Zoning District or other similar use requiring the receipt or distribution in vehicles of materials or merchandise, there shall be provided and maintained on the same premises with such building or addition, off-street loading spaces in relation to floor area as follows:
 - a. Up to twenty thousand (20,000) square feet -- one (1) space.
 - b. Twenty thousand (20,000) to fifty thousand (50,000) square feet -- two (2) spaces.
 - c. Fifty thousand (50,000) to one hundred thousand (100,000) square feet - - three (3) spaces.
 - d. One (1) additional space for each additional one hundred thousand (100,000) square feet or fraction thereof.
2. Each loading space shall be a minimum of ten (10) feet in width, twenty-five (25) feet in length, and fourteen (14) feet in height. No loading space shall be located closer than fifty (50) feet to any lot in any residential district unless wholly within a completely enclosed building or enclosed on all sides by a wall.

Section 3.23 - Stormwater Retention

The property owner or developer is required to retain on site all stormwater drainage in excess of natural conditions. This provision may require stormwater retention ponds where appropriate. An exception can be made for water leaving the site via an existing stormwater pipe, or through other stormwater facilities which will be developed at the same time as the proposed new use. All stormwater facilities, including detention or retention ponds, shall be designed at minimum to handle a storm with the projected frequency of once every ten (10) years (ten year design storm).

Section 3.24 - Groundwater Protection

These provisions apply to persons, businesses or entities that use, generate or store hazardous substances in quantities greater than twenty-five (25) gallons or two hundred twenty (220) pounds per month.

- A. Sites at which hazardous substances and polluting material are stored, used or generated shall be designed to prevent spills and discharges to the air, surface of the ground, groundwater, surface water and wetlands.
- B. Secondary containment for aboveground areas where hazardous substances and polluting materials are stored or used shall be provided and maintained. Secondary containment shall be sufficient to store the substance for the maximum anticipated period of time necessary for the recovery of any released substance.
- C. General purpose floor drains shall be allowed only if they are connected to a public sewer system, an on-site holding tank, or a system authorized through a State groundwater discharge permit.
- D. State and Federal agency requirements for storage, spill prevention, record keeping, emergency response, transport and disposal of hazardous substances and polluting materials shall be met. No discharges to groundwater, including direct and indirect discharges, shall be allowed without required permits and approvals.
- E. The Planning Commission may require a performance bond or similar assurance for safeguards prior to approval. The Planning Commission may require site plan review at five (5) year intervals.

Section 3.25 - Hazardous Substances

All hazardous substances shall be disposed of in accordance with all State or Federal laws, rules and regulations governing the disposal of specific hazardous substances.

Section 3.26 - Salvage or Dumping of Motor Vehicles

There shall be no salvaging or dumping of automobiles, trucks, trailers, tractors, or other similar vehicles within the Township, except in a legally authorized junkyard. Nor shall any unlicensed or inoperable motor vehicle be stored on any property unless stored within a totally enclosed structure or screened from adjacent properties and roads.

Section 3.27 - Dumping of Materials

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

- A. Dumping or stockpiling of waste material or junk; the collection, accumulation, storage or disposal of waste material, used construction material, junk, debris, or refuse is prohibited, except under the following circumstances as properly sealed and adequately concealed materials:
 - 1. Such practices are a necessary accessory use to a permitted agricultural use.
 - 2. Such practices occur in a junkyard authorized under this Ordinance, and are included in the approved site plan.
 - 3. Such practices are a necessary accessory use to a commercial or industrial use authorized under this Ordinance, and are included in the approved site plan.

- B. Dumping of soil, sand and clay materials: Material to be placed on the site shall be of such a composition as not to create potential contamination of the natural environment including groundwater, vegetation, soils and surface waters. No dumping of soil, sand, clay or similar material shall be undertaken that appreciably increases the surface runoff reaching adjacent or surrounding property. Surface runoff shall be dissipated by retention on the development parcel, percolation into the soil, evaporation, or by transport by natural drainage way or conduit to any appropriate point of discharge.

- C. Dumping of hazardous substances and/or nuclear wastes shall not be allowed within the Township, except as permitted by 1978 Public Act 112 of 1978, State of Michigan.

Section 3.28 - Excavation or Holes

The construction, maintenance or existence of unprotected or unbarricaded holes, pits, wells, building pads or similar excavations which cause, or are likely to cause a danger to life, health and safety to the general public shall be prohibited. This Section shall not, however, prevent any excavation which is required for the construction, remodeling or expansion of structures, or industrial or farming operations, provided appropriate precautionary measures, such as the placement of warning signs, fences, etc., have been approved by the Zoning Administrator and placed on the premises. Nothing in this Section shall apply to bodies of water, ditches, streams or other major natural resources created or existing by the authority of the State of Michigan, Alcona County, Caledonia Township, or other units of government. Excavation resulting from the extraction of sand, gravel or other minerals for commercial purposes shall be required upon termination of such activities for a period of one (1) year or more, to be refilled by the person, firm or corporation engaging in such excavation. The excavated site shall be graded to eliminate any unsafe conditions.

Section 3.29 - Temporary Storage of Used Materials

The temporary storage, collection or placing of used or discarded material, such as lumber, scrap iron, slag, ashes or other such matter shall be allowed only during demolition and/or construction periods, not to exceed six (6) months. Temporary storage must comply with all Federal and State regulations. After six (6) months, the Zoning Administrator shall require the removal of such material. Such removal shall take place in a time frame at the discretion of the Zoning Administrator after written notice is sent by the Zoning Administrator to the person or persons responsible for said storage, notifying him/her that such material must be removed and stating the date on which such materials must be removed from the premises.

Section 3.30 - Outdoor Lighting

All outdoor lighting, whether for illuminating sites, parking areas, buildings, signs and/or other structures shall be shielded, shaded, designed and/or directed away from all adjacent districts and uses; and further shall not glare upon or interfere with persons and vehicles using public streets or roads. Lighting fixtures are to be of the full cut-off design with horizontally aligned flush mounted (non-protruding) lenses, directing light on-site only, and shall be no more than twenty (20) feet in height.

The Planning Commission may permit taller or require shorter fixtures only when it determines that unique conditions exist and where a waiver would: reduce the number or size of light fixtures; not adversely impact neighboring properties and permit fixtures in proportion to height and bulk of nearby buildings and other fixtures.

Site lighting shall not exceed twenty (20) foot candles as measured three (3) feet above the ground surface, directly under the fixture.

Section 3.31- Outdoor Advertising Signs

This Section is intended to regulate and limit the construction or reconstruction of signs to protect the public health, safety and general welfare. Such signs as will not by reason of their size, location, construction or manner of display, endanger life and limb, confuse or mislead traffic, obstruct vision necessary for vehicular and pedestrian traffic safety, or otherwise endanger public welfare, shall be permitted except as may be otherwise provided for herein. The use and erection of all outdoor advertising signs shall be subject to the following provisions:

A. General Provisions for all Zoning Districts

- 1. On-premise advertising signs** for business and government use, excluding home-based businesses, shall not exceed thirty-two (32) square feet in area and shall be set back at least ten (10) feet from the property line.
- 2. Signs for home-based businesses** shall be limited to one (1) sign per business, not exceeding eight (8) square feet each in size and shall be set back at least ten (10) feet from the property line.
- 3. Signs in need of repair, obsolete, or obstructing:** Signs which are in need of repair, other than normal maintenance, which are not securely affixed to a substantial structure; or which are obsolete; or those that resemble official traffic signs; or obstruct official signs, are prohibited.
- 4.** No sign shall be affixed to a utility pole in a public right-of-way.
- 5. Obstruction of Vision:** No signs shall be located on any street corner which would obscure the vision of drivers using said streets, or conflict with traffic control signals at the intersection of any streets. No signs shall obstruct the vision of drivers at any driveway, parking lot or other route providing ingress or egress to any premises.
- 6. Signs in Right-of-Way:** Any sign except those established or maintained by County, State or Federal Governments shall not be erected in, nor project into, or overhang a street or road right-of-way.

7. **Directional Signs:** Signs required for the purpose of orientation, when established by County, State or Federal Governments shall be permitted in all Zoning Districts.
8. **Obstruction of/Confusion with Traffic Signals/Signs:** No outdoor advertising structure shall be erected in such a manner that the position, size, movement, shape or color may interfere with the view of or be confused with any public traffic sign or device.
9. **Glare/Flashing/Moving Signs:** Sign illumination shall not cause a reflection or glare on any portion of a public highway, in the path of oncoming vehicles, or on adjacent premises or residences. Illuminated signs shall not be of the flashing, moving or intermittent type unless approved by the Zoning Administrator, or unless allowed elsewhere in this Ordinance, who shall find that the lighting is non-glaring, does not interfere with traffic control devices, and further does not involve the principal notice or message carried on the sign; hence, all intermittent lighting elements shall be designed as accessory to the sign.
10. **Political Signs:** Temporary political signs may be located in any zoning district and shall be removed within ten (10) days following the election date. Other temporary signs shall be removed at the completion of the advertised event.
11. **Real Estate Signs:** Real estate signs shall be permitted only while said real estate is actually on the market for sale, rent or lease. Two (2) real estate signs shall be permitted if said property fronts two (2) roads or streets. Off-premise signs pertaining to real estate developments located in the Township and designed to promote the sale of lots or homes within a subdivision located in the Township are permitted on a temporary basis in any district, but shall not be located upon subdivided land unless such land is part of the subdivision being advertised for sale.

For **waterfront property**, an additional sign is allowed on the lakeside. For **acreage**, additional signs are permitted at not less than five hundred (500) foot intervals.

12. **Free-Speech:** Signs which express non-commercial speech may be erected in any district. No sign shall contain statements, words, or pictures of an obscene, indecent or immoral character, such as will offend public morals or decency.
13. **Multiple Uses on One Lot:** In cases where a lot contains more than one (1) use, the sign requirements contained in this Section apply to each use on the property.

14. **Off-Premise Directional Signs:**

- a. **Private Off-Premise Directional Signs:** Private off-premise directional signs which provide directions to a commercial or industrial establishment shall be allowed on private property with the property owner's permission.
 - (1) Off-premise directional signs shall be no greater than six (6) square feet and shall be set back at least ten (10) feet from the property line. Only three (3) off-premise signs per property are permitted.
 - (2) Off-premise directional signs located on commercial or industrial property are permitted at not less than five hundred (500) foot intervals.
- b. **Public Off-Premise Directional Signs:** Public off-premise directional signs erected by the Township or State of Michigan shall be permitted in the road right-of-way provided permission is obtained from the local transportation authority/Alcona County Road Commission.

15. **Construction:** The construction of any sign shall be such that it will withstand all wind and vibration forces which can be normally expected to occur in the vicinity.

16. **Maintenance:** All signs shall be properly maintained and shall not be allowed to become unsightly through disrepair or action of the elements as determined by the Zoning Administrator.

B. **Size Limitations:** Size limitations found in **Tables 3.31 A and B** apply to the sign face only, not the support structures.

TABLE 3.31A: ON-PREMISE SIGNS: RESIDENTIAL SIGN REQUIREMENTS

Residential Uses

	Single & Two- Family Uses	Home-Based Business	Multiple Family, Subdivisions, Manufactured Housing Dev.
Free-Standing Signs	1 Nameplate at 8 sq ft	1 at 8 sq ft	1 per entrance at 32 Kilt Height = 6 ft Setback = 10 ft from front lot line
Wall Signs	1 Nameplate at 8 sq ft	1 at 8 sq ft	-----

TABLE 3.31B: ON-PREMISE SIGNS: AGRICULTURAL, BUSINESS & INDUSTRIAL USES

	Number & Area	Height	Setback	Other Regulations
Ground Mounted Signs (Pylon Signs and Monument Signs)	Not more than 1 per each road frontage 32 sq ft	The top of any ground-mounted sign shall be not more than seven (7) feet above the road grade or the ground level immediately beneath the sign, whichever is higher. The bottom of any ground-mounted sign shall be no more than three (3) feet above the road grade or the ground level immediately beneath the sign, whichever is higher. (See Figure 3.31 A & B)	10 ft from front lot line	Sign mounting: The sign shall be mounted on one or more posts. Posts shall not have a diameter greater than 12 inches.
Time & Temperature Signs	1 allowed	n/a	n/a	Must be an integral part of principle sign — size does not count toward allowable square footage of principle sign.
Wall Signs	1 at 32 sq ft not to exceed size of wall	The sign shall not project above the top edge of the roof line.	n/a	Sign shall not project from the surface upon which it is attached more than required for construction purposes and in no case more than 12
Projecting Signs	1 at 16 sq ft per side	Minimum height of 8 ft	n/a	Sign structure: Sign supports and brackets shall be compatible with the design and scale of the sign.
Awning or Canopy Signs	No restriction.	No structural element of an awning or canopy shall be located less than eight (8) feet above finished grade.	n/a	n/a
Cluster Signs	Up to six (6) signs in addition to the sign bearing the name of the complex. Each sign in a cluster shall be no greater than 20 sq ft in area	20 ft	10 ft from front lot line	Cluster signs may only be allowed to advertise a group of businesses located together which share an access to the primary road. Any business which has a sign in a cluster is allowed only one additional primary sign located on the lot on which the business is located. Cluster signs must be located near the access from which each business in the cluster is located.
Message Boards (Static & Digital)	See Section 3.31C			
Temporary Signs	See Section 3.31E4			

Figure A

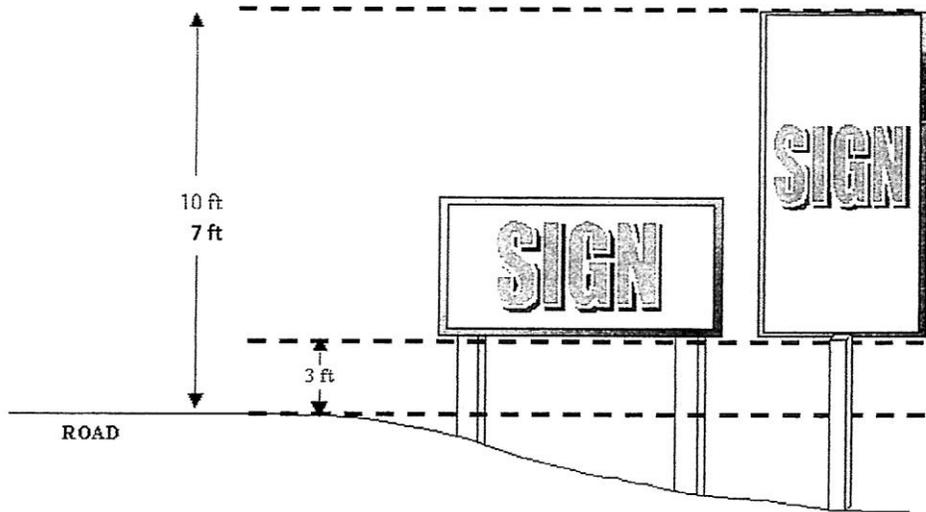
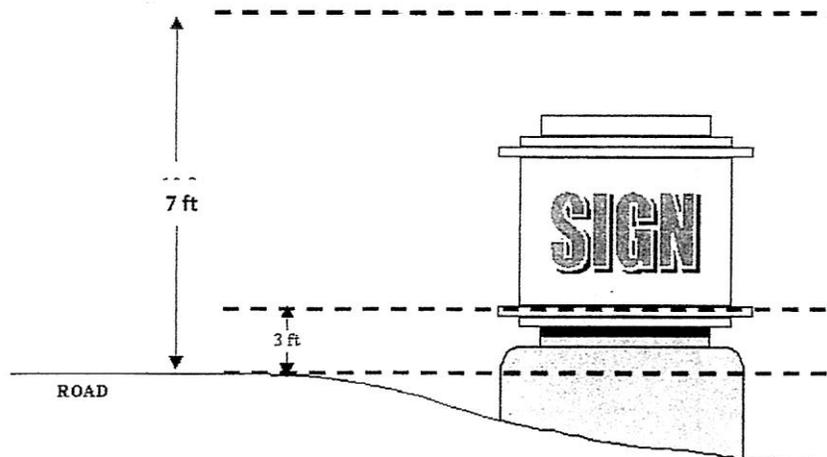


Figure B



C. Message Boards

1. **Static Message Boards:** Static message boards shall be allowed in addition to the primary freestanding or wall sign in all districts for uses other than exclusively dwelling units.
 - a. If the static message board is utilized as one of the allowable primary signs on the premises, then the static message board shall be no greater than thirty-two (32) square feet.
 - b. If the static message board is attached to the same support structure as a primary sign, then the static message board shall be no greater than fifty percent (50%) of the area of the primary freestanding sign either existing on the property or as allowed by zoning district, whichever is less.
2. **Electronic Message Boards:** Electronic message boards shall be allowed in addition to the primary freestanding or wall sign in all districts for uses other than exclusively dwelling units.
 - a. If the electronic message board is utilized as one of the allowable primary signs on the premises then the electronic message board shall be no greater than thirty-two (32) square feet.
 - b. If the electronic message board is attached to the same support structure as a primary sign, then the electronic message board shall be no greater than fifty percent (50%) of the area of the primary freestanding sign either existing on the property or as allowed by the zoning district, whichever is less.
 - c. An electronic message board shall be allowed to have changing messages, scrolling messages, and animation, but shall not be allowed to contain flashing elements.
 - d. The electronic elements shall be of an intensity that the brightness and motion shall not adversely affect surrounding or facing premises, nor adversely affect safe vision of pedestrians or operators of vehicles on public or private streets, driveways or parking areas.
 - e. An electronic message board shall contain a default mechanism that freezes the sign in one position if a malfunction occurs.

- f. An electronic message board shall contain a mechanism to automatically adjust the intensity of its display according to natural ambient light conditions.
- g. At least seventy-five percent (75%) of the messages shall relate to the on-premise establishment. The balance of the message may contain advertising for off-premise establishments or public service announcements.

D. Off-Premise Signs (Billboards)

The regulation of billboards is intended to enhance and protect community character and image by minimizing visual blight and pollution, to minimize traffic safety hazards due to diversion of the driver's attention and blockage of site distances, and to place signs in such a way that scenic views are respected and visual obstructions to the natural landscape are minimized. Billboard regulations address the location, size, height and related characteristics of such signs.

1. Off-Premise Sign Regulations: Billboards may be established in the Township provided that they meet the following conditions:

- a. Off-Premise Signs shall only be allowed on State Highways in the Township. Compliance with the Michigan Department of Transportation permitting process is required.
- b. Not more than one (1) billboard may be located on three (3) linear miles of street or highway regardless of the fact that such billboards may be located on different sides of the subject street or highway. The linear mile measurement shall not be limited to the boundaries of the Township where the particular street or highway extends beyond such boundaries. Double-faced billboard structures (i.e., structures having back-to-back billboard faces) and V-type billboard structures having only one face visible to traffic proceeding from any given direction on a street or highway shall be permitted. Additionally, billboard structures having tandem billboard faces (i.e., two (2) parallel billboard faces facing the same direction and side-by-side to one another) shall be permitted and shall be considered as one (1) billboard.
- c. No billboard shall be located within two hundred (200) feet of an existing residence. If the billboard is illuminated, this required distance shall instead be three hundred (300) feet.
- d. No billboard shall be located closer than seventy-five (75) feet from a property line or public right-of-way. No billboard shall be located within

ten (10) feet from any interior boundary lines of the premises on which the billboard is located.

- e. The surface display area of any side of a billboard may not exceed sixty-four (64) square feet.
- f. The height of a billboard shall not exceed thirty (30) feet above the elevation of the centerline of the abutting property.
- g. No billboard shall be installed or placed on top of, cantilevered or otherwise suspended above the roof of any building.
- h. A billboard may be illuminated, provided such illumination is concentrated on the surface of the sign and is so located as to avoid glare or reflection onto any portion of an adjacent street or highway, into the path of on-coming vehicles, or on any adjacent premises. In no event shall any billboard have flashing or intermittent lights, nor shall the lights be permitted to rotate or oscillate.

A billboard must be constructed in such a fashion that it will withstand all wind and vibration forces which can normally be expected to occur in the vicinity. A billboard must be maintained so as to assure proper alignment of structure, continued structural soundness, and continued readability of message.

A billboard established within a business, commercial, or industrial area, as defined in the Highway Advertising Act of 1972 (PA 106 of 1972 as amended) bordering interstate highways, freeways or primary highways as defined in said Act shall, in addition to complying with the above conditions, also comply with all applicable provisions of said Act and the regulations promulgated thereunder, as such may from time to time be amended.

- k. Digital Billboards:
 - (1) Rate of Change: The rate of change between static messages or images shall not exceed more than one (1) change per six (6) seconds. Each change shall be complete in one (1) second or less.
 - (2) Luminance: The maximum daylight sign luminance level shall not exceed 62,000 candelas per meter squared at 40,000 lux illumination beginning 1/2 hour after sunrise and continuing until 1/2 hour before sunset and does not exceed 375 candelas per meter squared at 4 lux illumination at all other times.

(3) Digital billboards shall be configured to default to a static display in the event of mechanical failure.

2. **Permit Required:** No person, firm or corporation shall erect a billboard within the Township without first obtaining a permit from the Zoning Administrator, which permit shall be granted upon a showing of compliance with the provisions of this Ordinance. Permits shall be issued for a period of five (5) years. The Township Board shall further have the right to require a billboard permit fee, if and when it is deemed necessary.

E. **Signs Allowed Without a Permit:** The following signs are allowed without a permit, notwithstanding any prohibition contained in this Ordinance, provided such signs are established in a lawful manner and placed so as not to cause a nuisance or create a safety hazard:

1. **Residential Nameplates.**

2. **Real Estate (Residential and Commercial).**

3. **Interior Signs:** Interior window signs which occupy up to fifty percent (50%) of the window area.

4. **Temporary Signs:**

a. **Political or Opinion:** Non-illuminated signs supporting a political candidate or offering an opinion on an issue or subject. Such signs shall not exceed eight (8) square feet in size, and, in the case of signs related to an election, shall be removed within ten (10) days after the applicable election.

b. **Yard/Garage Sale:** Non-illuminated signs advertising yard, rummage, garage, basement porch or deck sales and other such signs shall not exceed six (6) square feet in size, shall be permitted twenty-four (24) hours prior to the event and shall be removed after a period of five (5) days.

5. **Caution Signs:** Non-advertising signs erected to warn the public of dangerous conditions and unusual hazards.

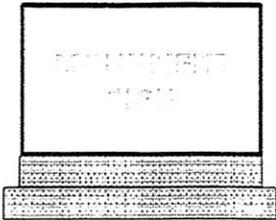
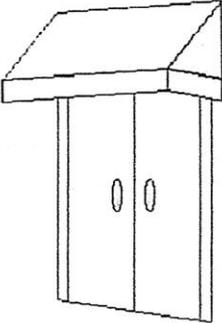
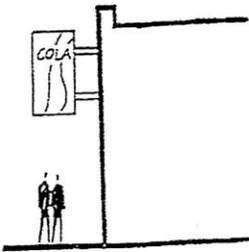
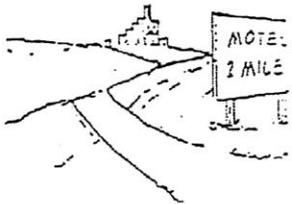
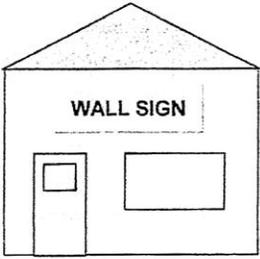
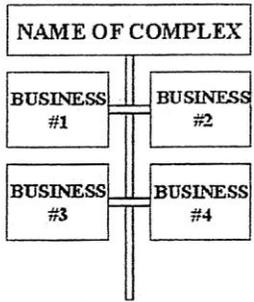
6. **Non-Advertisement Informational:** Informational signs not exceeding four (4) square feet in area may be utilized for additional traffic regulation, including, but not limited to, loading dock, low clearance, garage, office, warehouse, and service signs.

7. **Portable Message Boards:** Portable message boards are allowed on a temporary basis for a continuous period up to sixty (60) days.
8. **Directional Signs:** Three (3) signs per parking lot not exceeding three (3) square feet and six (6) feet in height identifying the business and providing driving, ingress/egress, and parking information.
9. **Memorial/Historical Signs:** Memorial signs or tablets, names of buildings and date of erection, when cut into any masonry surface of a building or when constructed of bronze or other incombustible material affixed to a building. Also includes signs designating the building as a historical structure.
10. **Flags:** Flags bearing the design of a nation, state, municipality, educational institution, or non-commercial organization.
11. **Point-of-Sale Signs:** Permanent signs on vending machines, gas pumps, or ice containers indicating only the contents of such devices, cost of product, and the methods of payment.
12. **Non-commercial Designation Signs:** Signs not exceeding two (2) square feet each which contain only non-commercial messages including designation of restrooms, telephone location, restrictions on smoking, and door openings.
13. **Affiliation Signs:** Business signs not exceeding one (1) square foot containing information on credit cards and business affiliations.

G. **Removal of Signs in Violation of this Ordinance:**

The Zoning Administrator may order the removal of any sign that is abandoned or erected or maintained in violation of this Ordinance. An abandoned sign shall not include a sign on a lot on which the principal use structure is for sale. Ninety (90) days notice in writing shall be given to the owner of such sign, and to the owner of the building, structure, or premises on which such sign is located, to remove the sign or bring it into compliance. The Zoning Administrator may cause the removal of the sign that remains in violation after such notice. The Zoning Administrator shall cause the removal of a sign immediately and without notice if, in the Zoning Administrator's opinion, the condition of the sign is such as to present an immediate threat to the safety of the public. The cost of removal shall be paid by the owner of the sign or the building, structure, or premises on which it is located.

H. Sign Diagrams:

<p>Ground Mounted Sign (Freestanding)</p> 	<p>Ground Mounted Sign (Monument)</p> 	<p>Awning Sign</p> 
<p>Projecting Sign</p> 	<p>Message Board</p> 	<p>Off-Premise Sign</p> 
<p>Wall Sign</p> 	<p>Cluster Sign</p> 	<p>Portable Message Board</p> 

Section 3.32 - Outdoor Furnace

The intent of this Section is to regulate the environmental impact of outdoor furnaces, specifically the production of offensive odors and uncontrolled emissions, and to protect the health and safety of the citizens of the Township.

- A. Outdoor furnaces shall be installed only under the following conditions:
1. Any required permits (i.e.; electrical, mechanical, plumbing, etc.) shall be obtained prior to installation.
 2. The outdoor furnace shall be located a minimum of two hundred (200) feet from a neighboring residence or any body of water.
 3. The outdoor furnace shall not be located in the front yard or within rear and side yard setbacks.
 4. An area fifteen (15) feet around the outdoor furnace shall be free of ignitable vegetation and debris.
 5. The outdoor furnace shall not constitute a nuisance to neighboring properties by emitting offensive odors, uncontrolled emissions, excessive smoke or noise.
 6. Only firewood, untreated lumber, wood pellets, or dry corn shall be burned in an outdoor furnace manufactured as a wood-burning furnace.
 7. In a dual-fuel outdoor furnace, natural gas, propane, coal or fuel oil shall also be allowed if the manufacturer's specifications list these fuels.
 8. An outdoor furnace that is not classified as a wood-burning or dual-fuel outdoor furnace shall use only the fuel type specified in the manufacturer's specifications.
 9. Burning of any materials not listed in **Points 6 and 7** are prohibited.
 10. All outdoor furnaces shall be equipped with properly functioning spark arrestors.
 11. All outdoor furnaces and any electrical, plumbing or other apparatus or device used in connection with an outdoor furnace shall be installed, operated and maintained in conformity with the manufacturer's specifications and recommendations, and all local, Federal and State codes, laws, rules and regulations.

- B. Any existing outdoor furnace that becomes non-conforming regarding set back provisions stated in **Point A. 2** due to a land division shall be totally dismantled.
- C. The above requirements shall apply to any replacement or expansion of an existing outdoor furnace after the effective date of this Ordinance.

Section 3.33 - Pets and Livestock

- A. Domestic household pets, including dogs, cats, birds and fish, but not including poisonous or dangerous reptiles, wild or dangerous animals may be kept as an accessory residential use on any premises without a Zoning Permit, but subject to State and County canine licensing requirements. The keeping of six (6) or more dogs, other than dogs under six months of age born to a female dog under the care, custody, or control of the resident of the property, will be considered a kennel and requires a Zoning Permit as such.
- B. The raising and keeping of livestock is prohibited on any platted properties in the **R-1, R-2, and R-3** Districts.
- C. The raising and keeping of livestock is allowed in the **AG** and **FR** Districts. In addition:
 - 1. Adequate space shall be provided for the clean and healthful keeping of such animals.
 - 2. Such animals shall be kept so as not to present a danger to the property of others or to human life and limb.
 - 3. Such animals shall be kept so that manure storage piles shall not be offensive to nearby properties.
 - 4. Such animals shall be kept in compliance with the Generally Accepted Agricultural Management Practices (GAAMP).

ARTICLE 4
ZONING DISTRICTS AND MAP

Section 4.0 - Classification of Zoning Districts

For the purpose of this Ordinance, the Township is hereby divided into the following Zoning Districts:

- R-1 Single Family Residential District
- R-2 Low to Medium Density Residential District
- R-3 Multiple-Family Residential District*
- R-4 Manufactured Housing Community District*
- AG Agricultural District
- FR Forest Recreational District
- C Commercial District
- CF Community Facilities District*
- I Industrial District

* For future use

Section 4.1 - Zoning Map

The areas assigned to each Zoning District and the boundaries thereof shown on the map entitled "Caledonia Township Zoning Map, Alcona County, Michigan," are hereby established, and said map and all proper notations and other information shown thereon are hereby made a part of this Zoning Ordinance. The official Zoning Map shall be located in the Caledonia Township Hall and shall be the final authority in any dispute concerning district boundaries. The official map shall be kept up to date. The official zoning map, including legally adopted amendments, shall be designated as such by the signature of the Zoning Administrator and attested to by the Township Clerk.

Section 4.2 - Boundaries of Districts

The boundaries of these districts are hereby established as shown on the "Official Zoning Map of Caledonia Township," which accompanies this Ordinance, and which with all notations, references, and other information shown thereon shall be as much a part of this Ordinance as if fully described herein:

- A. Unless shown otherwise, the boundaries of the districts are lot lines, section lines, the centerlines of streets, alleys, roads, or such lines extended, and the unincorporated limits of the Township.
- B. For clarification, the Zoning District shall include:
 - 1. the portion lying five hundred (500) feet west of the Mt. Maria Road right-of-way;
 - 2. three hundred (300) feet facing County Road F-41; and
 - 3. three hundred (300) feet either side of US-23 right-of-way.
- C. A boundary indicated as following a shoreline shall be construed as following such shoreline, and in the event of change in a shoreline shall be construed as following the actual shoreline.
- D. A boundary indicated as following the centerline of a stream, river, canal, lake or other body of water shall be construed as following such centerline.
- E. When shorelines of lakes have changed, the boundary line shall be construed as following the contour of the new shoreline and in case of changes in the course in the stream, the boundary shall be considered as the centerline of the new course.
- F. Where, due to the scale, lack of detail, or illegibility of the Zoning Map accompanying this Ordinance, there is any uncertainty, contradiction, or conflict as to the intended location of any district boundaries shown thereon interpretation concerning the exact location of district boundary lines shall be determined, upon written application, or upon its own motion, by the Zoning Board of Appeals.

Section 4.3 - Public Rights-of-Way

Each street, alley, railroad right-of-way, or other public right-of-way is zoned to the center line according to the zoning of the properties immediately adjacent to the public right-of-way.

Section 4.4 - Zoning of Vacated Areas

Wherever any street, highway or other public right-of-way within the Township shall have been abandoned by official government action and when such right-of-way lands attach to and become part of the land adjoining said right-of-way, such right-of-way property shall automatically acquire and be subject to the provisions of the zoning district of the abutting property without further governmental action. In the case of an abandoned right-of-way which also served as a district boundary, the centerline of such abandoned right-of-way shall remain the boundary line and the lands on either side of said centerline shall become attached to their respective adjoining properties without further governmental action.

Section 4.5 - Zoning of Filled Areas

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

Section 4.6 - Zoning District Changes

When district boundaries change, any legal non-conforming use may continue subject to all other applicable provisions of this Ordinance.

ARTICLE 5

DISTRICT REGULATIONS

Section 5.0 - General (All Districts)

A. Permitted Uses

Permitted uses in all districts shall be limited to the uses listed in **Table 5.11: Tables of Uses Permitted by Right and Special Land Uses**.

B. Uses by Special Land Use Permit

Permitted Special Land Uses in all districts shall be limited to the uses listed in **Table 5.11: Table of Permitted and Special Land Uses** and shall be subject to the provisions of **Article 7: Site Plan Review**, **Article 8: Special Land Uses** and the applicable portions of **Article 9: Supplemental Regulations**.

C. Area and Height Regulations

No building or structure shall hereafter be erected, altered or enlarged unless the height, setback, and lot requirements in **Section 5.10: Schedule of Regulations** are provided and maintained in connection with such building, erection, alteration or enlargement. Legal nonconforming structures and buildings shall be regulated by **Article 6**.

Section 5.1 - (R-1) Single-Family Residential District

Purpose: This district is established to provide for the most restricted desirable residential area to protect from problems normally associated with residential, recreational and seasonally occupied developments. The primary goals are the preservation of water quality, protection of aesthetic or historic areas, the protection of sound low-density residential development, promotion of recreational facilities for public use and the minimization of adverse environmental impacts of urban development.

Section 5.2 - (R-2) Low- to Medium-Density Residential District

Purpose: This district is designed to permit a more varied density of residential development than that provided in the R-1 Single-Family Residential District.

Section 5.3 - (R-3) Multiple-Family Residential District

Purpose: This district is designed to provide a location within the Township for dwelling units containing a mixture of densities and housing types. Those structures which offer an alternative to single-family detached housing (while still adhering to the low to medium density character of the community) will be permitted in this zone.

Section 5.4 - (R-4) Manufactured Housing Community District

Purpose: The purpose of this district is to provide for the development of Manufactured Housing Communities in the Township.

Section 5.5 - (AG) Agricultural District

Purpose: This district is intended to preserve and provide for large tracts of land for farming and forestry and other rural activities. Large vacant areas, fallow land and wooded areas may be included.

Section 5.6 - (FR) Forest Recreational District

Purpose: This district is provided to promote the proper use, enjoyment, and conservation of the water, land, topographic and forest land resources of the Township which are particularly adapted to general, recreational and forest uses.

Section 5.7 - (C) Commercial District

- A. **Purpose:** This district is intended to provide for the construction or continued use of land for general community-wide commercial and service uses and to provide for orderly development and concentration of such uses to satisfy the needs of the overall community.

B. Other Development Regulations

1. A site plan shall be submitted for each permitted use in this district in accordance with **Article 7** of this Ordinance. Said plan shall indicate or illustrate how the requirements of this Section are being met.
2. All outside storage areas for trash shall be enclosed by a six (6) foot high solid wall or privacy fence.
3. A greenbelt and/or buffer strip, as defined herein, shall be provided when a commercial use in this zone abuts a residential use or a conservation resources use on either of the side lot lines or on the rear lot line. This may be provided as part of the side setback or rear setback requirement.

Section 5.8 - (CF) Community Facilities District

A. Purpose: This district is designated as a district to serve the local populace. The activities permitted within this zone are compatible with each other and are designed to promote efficiency in the administration of local services.

B. Other Development Regulations

1. A site plan shall be submitted for each permitted use in this district in accordance with **Article 7** of this Ordinance. Said plan shall indicate or illustrate how the requirements of this Section are being met.
2. All outside storage areas for trash shall be enclosed by a six (6) foot high solid wall or privacy fence.
3. A greenbelt and/or buffer strip, as defined herein, shall be provided when a commercial use in this zone abuts a residential use or a conservation resources use on either of the side lot lines or on the rear lot line. This may be provided as part of the side setback or rear setback requirement.

Section 5.9 - (I) Industrial District

A. Purpose: The purpose of this district is to provide areas for industrial sites occupied by manufacturing plants, assembling and fabrication activities including large scale or specialized industrial operations, laboratories, distribution warehouses and similar uses.

It is the intent of this district to permit only those industrial operations having characteristics which emit a minimum amount of discernible noise, vibration, smoke, dust, dirt, glare, toxic materials, offensive odors, gases, electromagnetic radiation or any other physically adverse effects which are discernible beyond the lot lines of the parcel upon which the industrial activity is located. Since this area is not anticipated to be served by public water or sewer systems in the foreseeable future, development regulations will contain groundwater protection standards.

B. Other Development Regulations

1. A site plan shall be submitted for each permitted use this district in accordance with **Article 7** of this Ordinance. Said plan shall indicate or illustrate how the requirements of this Section are being met.
2. All outside storage areas for trash shall be enclosed by a six (6) foot high solid wall or privacy fence.
3. A greenbelt and/or buffer strip, as defined herein, shall be provided when an industrial or commercial use abuts a residential use on either of the side lot lines or on the rear lot line. A greenbelt and/or buffer strip, as defined herein, shall be provided whenever outdoor storage areas or operational activities abut a public street that extends through the Industrial District and serves non-industrial areas. This may be provided as part of the side setback or rear setback requirement. The buffer strip may be composed of vegetation, fencing, walls, or a combination therein as determined by the Planning Commission.
4. When discontinued or abandoned, the site shall be left in a reusable condition and free of hazards related to dangerous structures, pits, pools, excavations, electric circuits, and similar features.

Section 5.10 — Schedule of Regulations

Zoning District	District Name	Minimum Lot Area ¹		Maximum Height of	Minimum Setbacks				Minimum Floor Area ³	Maximum % of Lot Coverage ⁴	Section Index
		Area	Width	Feet	Front	Interior Side	Corner Side	Rear			
R-1	Single-Family Residential	20,000 sq ft	100'	25' (e)	40'	10'	10'	40'	800 sq ft	35%	5.1
R-2	Low to Medium Density Residential	20,000 sq ft	100'	32'	40'	10'	10'	40'	800 sq ft (a)	35%	5.2
R-3	Multiple-Family Residential (see section 9.17 for setbacks for multiple-family)	20,000 sq ft (45,000 sq ft for multiple family)	100' (200' for multiple-family)	32'	40'	10'	10'	40'	800 sq ft (a)	35%	5.3
R-4	Manufactured Housing Community District	10 acres per park	(b)	(b)	(b)	(b)	(b)	(b)	(b)	(b)	5.4
AG	Agriculture	10 acres	300'	32'	40'	10'	10'	40'	800 sq ft	n/a	5.5
FR	Forest Recreational	20 acres	330'	32'	40'	50'	10'	40'	800 sq ft	n/a	5.6
C	Commercial	20,000 sq ft	100'	32'	40' (c)	10' (d)	20'	40'	800 sq ft	n/a	5.7
CF	Community Facilities	40,000 sq ft	100'	32'	40'	10' (d)	20'	40'	800 sq ft	n/a	5.8
I	Industrial	40,000 sq ft	100'	32'	75'	10' (d)	20'	40'	800 sq ft	n/a	5.9

¹ Each lot will not exceed a depth to width ratio of 4:1 except as allowed by Act 288 of 1957 (Land Division Act) section 560.109 (1b) (The municipality having authority to review proposed divisions may allow a greater depth to width ratio than that otherwise required based on exceptional topographic or physical conditions with respect to the parcel and compatibility with surrounding lands.) The depth to width ratio requirements of this land division do not apply to parcels larger than then (10) acres.

² Height regulations shall apply to any area that could be used as living or commercial space (belfries, etc.), but shall not apply to areas that could not: be used for living or commercial space (chimneys, etc.). Height restrictions do not apply to agricultural accessory structures, wind turbines, anemometer towers, radio and television towers, telecommunication towers and related facilities.

³ Applies to permanent dwelling units and does not include seasonal cottages, cabins, motels or similar uses.

⁴ Applies to percentage of lot coverage by permanent structures.

Section 5.10 - Schedule of Regulations Footnotes:

- (a) Each multiple-family dwelling unit in this zoning district shall have a minimum of eight hundred (800) square feet of usable floor area exclusive of unenclosed porches, garages, and basements.
- (b) Manufactured Housing Communities shall be developed and licensed pursuant to the requirements of the Michigan Manufactured Housing Commission, Public Act 96 of 1987 and any rules promulgated pursuant to this Act, as amended. This includes but is not necessarily limited to compliance with Michigan Manufactured Housing Commission regulations concerning internal roads, parking requirements, fencing, screening, unit spacing and recreational and open spaces. All other uses shall comply with the area and height regulations of the R-2 District.
- (c) Where established buildings on adjacent lots vary from this minimum, a new building may be constructed with a front setback equal to the average setback of the existing buildings on immediately adjacent lots. This shall not be interpreted to require a front setback of more than forty (40) feet nor less than fifteen (15) feet. In addition, if parking and loading spaces are confined to the rear of the principal structure, the required front yard setback may be reduced to twenty (20) feet but no less than the average setback of existing buildings on immediately adjacent lots.
- (d) Side yards may be omitted if walls abutting adjacent buildings are of fireproof construction and wholly without openings or as otherwise specified in the Building Code. Where a side yard abuts a lot with a residential use, there shall be provided a setback of not less than twenty (20) feet on the side abutting the residential use.
- (e) Height may increase for dwelling units and/or structures if side yards are increased by one (1) foot for each additional one (1) foot of height -- **NOT** to exceed a maximum height of thirty-two (32) feet.

CALEDONIA TOWNSHIP ZONING DISTRICTS	
R-1	SINGLE-FAMILY RESIDENTIAL DISTRICT
R-2	LOW- TO MEDIUM-DENSITY RESIDENTIAL DISTRICT
R-3	MULTIPLE-FAMILY RESIDENTIAL DISTRICT
R-4	MANUFACTURED HOUSING COMMUNITY DISTRICT
AG	AGRICULTURAL DISTRICT
FR	FOREST RECREATIONAL DISTRICT
C	COMMERCIAL DISTRICT
CF	COMMUNITY FACILITIES DISTRICT
I	INDUSTRIAL DISTRICT

USE CATEGORIES	
RESIDENTIAL	PUBLIC FACILITIES
HUMAN CARE AND SOCIAL ASSISTANCE	CONSTRUCTION
EDUCATION AND INSTITUTIONAL SERVICES	UTILITIES/ENERGY/COMMUNICATIONS
ARTS, ENTERTAINMENT AND RECREATION	MANUFACTURING/INDUSTRIAL/WHOLESALE/WASTE MGMT
ACCOMODATION AND FOOD SERVICES	TRANSPORTATION/WAREHOUSING/STORAGE
GENERAL COMMERCIAL/BUSINESS/SERVICE	AGRICULTURE/FORESTRY/FISHING/HUNTING
RETAIL TRADE	

SECTION 5.11: TABLE OF USES PERMITTED BY RIGHT & SPECIAL LAND USES

	R-1	R-2	R-3	R-4	AG	FR	C	CF	I
R = Permitted by right									
S = Permitted with a Special Use Permit									
[†] SUPPLEMENTAL SITE DEVELOPMENT REGULATIONS APPLY (ARTICLE 9)									
RESIDENTIAL USES									
Accessory Buildings/Structures	R	R	R	R	R	R	R	R	R
Dwelling Units in Support of Commercial Establishment					R	R	R		S
Home Occupations/Cottage Industry	R	R	R	R	R	R			
Manufactured Housing Community				S [†]					
Multiple-Family Dwelling			S [†]						
Senior Citizen Apartment Complex		S	S			S	S		
Townhouses/Condominiums		S	S						
Planned Unit Development		S [†]	S [†]		S [†]				
Secondary Dwelling Units		R [†]							
One-Family Dwelling (year round & seasonal)	R	R	R	R	R	R			
Two-Family Dwelling		R	R	R	R	R			
Amateur Radio Antennae (roof- or ground-mounted)	R	R	R		R	R	R	R	
Platted Subdivisions	R								
Keyhole Development	S [†]								
HUMAN CARE AND SOCIAL ASSISTANCE									
Child Day Care Services (see following)									
Family Child Care Home	R	R	R	R	R	R			
Group Child Care Home	S [†]								
Child Care Center or Day Care Center							R [†]		
Health Care Clinics/Dental Clinics							R		
Hospitals								R	
Nursing & Residential Care Facilities (see following)									
State-Licensed Residential Facilities (6 or less adults)	R	R	R	R	R	R			
State-Licensed Residential Facilities (more than 6 adults)		S	S						
Nursing/Convalescent Home		S	S					S	
Other Residential Care Facilities (substance abuse, correctional)		S	S					S	
Social Assistance (see following)									
Individual & Family Services							R	R	
Community/Emergency & Other Relief Services							R	R	
Vocational Rehabilitation Services							R	R	
EDUCATIONAL & INSTITUTIONAL SERVICES									
Private instructional facilities							R	R	
Public or private schools							R	R	
Religious Institutions	S	S	S		S	S	S		

SECTION 5.11: TABLE OF USES PERMITTED BY RIGHT & SPECIAL LAND USES

R = Permitted by right

S = Permitted with a Special Use Permit

[†]SUPPLEMENTAL SITE DEVELOPMENT REGULATIONS APPLY (ARTICLE 9)

	R-1	R-2	R-3	R-4	AG	FR	C	CF	I
ARTS, ENTERTAINMENT, AND RECREATION									
<i>Amusement Arcades</i>							R		
<i>Boat & Canoe Liveries</i>					R	R			
<i>Bowling Centers/Billiard Clubs</i>							R		
<i>Docks, Launch Ramps, Associated Parking Area, and other water-related supportive uses (provided they are located a minimum of fifty (50) feet from a residential use.</i>	S	S	S		R	R			
<i>Fitness/Recreational Sports Centers/Indoor Skating Rinks</i>							R		
<i>Golf Courses/Country Clubs</i>					S	S			
<i>Nature Parks & Recreation Areas (private)</i>					R	R	R		
<i>Museums</i>							R	R	
<i>Outdoor Recreational Facilities (private) (ex: mini golf, go-karts)</i>					S [†]	S [†]	S [†]		
<i>Performing Arts Companies; Dance, Music, Voice Studio</i>							R	R	
<i>Private Clubs; Lodges</i>	S	S	S		R	R	R		
<i>Shooting Range (in a completely enclosed building)</i>							S		
<i>Spectator Sports Arenas (private)</i>					S		R		
<i>Sports Clubs</i>					R	R			
<i>Theaters</i>							R		
<i>Theaters – Drive-In</i>							R		
<i>Zoos & Botanical Gardens</i>					S	S	S		
ACCOMMODATION AND FOOD SERVICES									
<i>Bakeries</i>							R		
<i>Bed & Breakfasts</i>		S [†]	S [†]		S [†]	S [†]			
<i>Caterers</i>							R		
<i>Campgrounds & Travel Trailer Parks</i>					S [†]	S [†]			
<i>Drinking Establishments (bars and taverns)</i>							R		
<i>Food Service Contractors</i>							R		
<i>Hotels & Motels</i>							R		
<i>Mobile Food Services</i>							R		
<i>Resorts</i>					S	S	R		
<i>Restaurants without Drive-Through</i>							R		
<i>Restaurants with Drive-Through</i>							R [†]		
<i>Rooming Houses</i>		S	S		S	S			
<i>Tourist Homes</i>		S [†]	S [†]		S [†]	S [†]			

SECTION 5.11: TABLE OF USES PERMITTED BY RIGHT & SPECIAL LAND USES

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† SUPPLEMENTAL SITE DEVELOPMENT REGULATIONS APPLY (ARTICLE 9)

	R-1	R-2	R-3	R-4	AG	FR	C	CF	I
GENERAL COMMERCIAL/BUSINESSES/SERVICES									
<i>Automotive Body/Paint/Interior & Glass Repair</i>							S [†]		
<i>Automotive Mechanical & Electrical Repair & Maintenance</i>							S [†]		
<i>Automotive Service Stations/ Oil Change & Lubrication Shops</i>							S [†]		
<i>Business, Labor, Political & Like Organizations</i>							R		
<i>Carwashes</i>							R [†]		
<i>Cemeteries</i>					R [†]	R [†]		R [†]	
<i>Commercial/Industrial Equipment Rental/Leasing/Sales Yards</i>							R		
<i>Commercial Equipment Repair & Maintenance</i>							R		
<i>Dry Cleaning & Laundry Services</i>							R		
<i>Electronic & Precision Equipment Repair & Maintenance</i>							R		
<i>Extermination & Pest Control Services</i>							R		
<i>Financial Institutions</i>							R		
<i>Financial Institutions with drive-through</i>							R [†]		
<i>Funeral Homes & Mortuaries</i>							R		
<i>Furniture Refinishing</i>							R		
<i>General Rental Centers</i>							R		
<i>Interior Designers/Showrooms</i>							R		
<i>Laboratories</i>							R	R	R
<i>Personal & Household Goods Repair & Maintenance</i>							R		
<i>Personal Services (barber/beauty shops, tailoring)</i>							R		
<i>Pet Care (except Veterinary and Animal Shelters)</i>							R		
<i>Photofinishing/Photographers</i>							R		
<i>Printing/Publishing/Copying/Newspaper Office</i>							R		
<i>Professional Cleaning Services</i>							R		
<i>Professional Offices/Real Estate Offices/Insurance Offices</i>							R		
<i>Sexually Oriented Businesses</i>							S [†]		
<i>Tattoo/Piercing Parlor</i>							S		

SECTION 5.11: TABLE OF USES PERMITTED BY RIGHT & SPECIAL LAND USES

R = Permitted by right S = Permitted with a Special Use Permit †SUPPLEMENTAL SITE DEVELOPMENT REGULATIONS APPLY (ARTICLE 9)	R-1	R-2	R-3	R-4	AG	FR	C	CF	I
RETAIL TRADE									
<i>Building Material & Garden Equipment & Supplies Dealers</i>					S		R		
<i>Electronics & Appliance Stores</i>							R		
<i>Clothing & Clothing Accessories Stores</i>							R		
<i>Florists</i>							R		
<i>Food & Beverage Stores; Bakery</i>							R		
<i>Furniture & Home Furnishings Stores</i>							R		
<i>General Merchandise Stores; Medical Supplies; Pharmacy</i>							R		
<i>Hardware Stores</i>							R		
<i>Health & Personal Care Stores</i>							R		
<i>Home Improvement Centers</i>							R		
<i>Manufactured Home Dealer</i>							S†		
<i>Movie Rental Stores</i>							R		
<i>Office Supply Stores</i>							R		
<i>Outdoor sales facilities (open air sales)</i>							R†		
<i>Pawn Shops/Resale Shops</i>							R		
<i>Small-Scale Craft Making (i.e. cabinet shop, candle-making, etc)</i>							R		
<i>Sporting Goods, Hobby, Book & Music Stores</i>							R		
<i>Truck and heavy equipment sales/service establishments</i>					S		S†		
<i>Vehicle Dealers & Leasing</i>							S†		
PUBLIC FACILITIES									
<i>Community Centers</i>							R	R	
<i>General Government Administration Facilities</i>							R	R	
<i>Libraries</i>							R	R	
<i>Police/Fire Stations</i>							R	R	
<i>Public Parks, Playgrounds, and Recreation Areas</i>	R	R	R	R	R	R	R	R	
CONSTRUCTION									
<i>Building, Developing & General Contracting (no outside storage of materials)</i>					R	R	R		R
<i>Storage Facilities for Building Materials/Contractor's Equipment</i>					S†	S†	R†		R†
<i>Special Trade Contractors (ex: electrical, plumbing)</i>					S	S	R		R

SECTION 5.11: TABLE OF USES PERMITTED BY RIGHT & SPECIAL LAND USES

R = Permitted by right
 S = Permitted with a Special Use Permit
 †SUPPLEMENTAL SITE DEVELOPMENT REGULATIONS APPLY (ARTICLE 9)

UTILITIES/ENERGY/COMMUNICATIONS

	R-1	R-2	R-3	R-4	AG	FR	C	CF	I
<i>Commercial Wind Energy Facilities and Anemometer Towers</i>					S [†]	S [†]	S [†]		S [†]
<i>On-Site Wind Energy Systems</i>	R [†]	R [†]	R [†]		R [†]				
<i>Public utility facilities (without storage yards)</i>								S	R
<i>Public utility facilities (with storage yards)</i>								S [†]	R [†]
<i>Antenna co-located on existing telecommunications towers or alternative tower structures</i>					R [†]	R [†]	R [†]		
<i>Telecommunications Towers & Facilities & Alternative Tower Structures</i>					S [†]	S [†]	S [†]		

MANUFACTURING/INDUSTRIAL/WHOLESALE TRADE/WASTE MANAGEMENT

<i>Bulk Storage and Distribution Facilities for Petroleum and Gas Products, Paint and Chemicals</i>									S
<i>Computer, Electronic, & Appliance Product Mfg</i>									R
<i>Dry Bulk Blending Plants</i>									R
<i>Food/Beverage Processing and Packaging</i>									R
<i>Furniture & Related Product Mfg</i>									R
<i>Glass Products Manufacturing</i>									R
<i>Industrial Parks</i>									R
<i>Junkyards/Landfills/Salvage Yards</i>									S [†]
<i>Leather & Allied Product Mfg</i>									R
<i>Mines, quarries, gravel pits, and materials processing</i>						S [†]			S [†]
<i>Miscellaneous Mfg</i>									R
<i>Oil and Gas Processing Facilities</i>									S
<i>Printing & Related Support Activities</i>							R		R
<i>Recycling Facilities /Transfer Stations</i>									S
<i>Textile & Apparel Mfg</i>									R
<i>Tool, Die, Gauge, Metal, Machine shops</i>									R
<i>Waste Collection Services</i>									S
<i>Waste Treatment & Disposal Services</i>									S
<i>Wholesale Trade</i>							R		R
<i>Wood Product Mfg</i>									R

TRANSPORTATION SERVICES/WAREHOUSING/STORAGE

<i>Airports & Landing Fields</i>					S [†]				S [†]
<i>Couriers/Parcel Packing/Delivery Establishments</i>							R		R
<i>Postal Service</i>							R	R	R
<i>Rail yards</i>									S
<i>Scenic/Sightseeing Transit/Ground Passenger Transportation</i>							R		R
<i>Truck Transportation Facilities</i>									R
<i>Warehousing & Storage</i>							R [†]		R [†]

SECTION 5.11: TABLE OF USES PERMITTED BY RIGHT & SPECIAL LAND USES

R = Permitted by right

S = Permitted with a Special Use Permit

[†]SUPPLEMENTAL SITE DEVELOPMENT REGULATIONS APPLY (ARTICLE 9)

	R-1	R-2	R-3	R-4	AG	FR	C	CF	I
AGRICULTURE, FORESTRY, FISHING AND HUNTING									
<i>Agricultural Business related to the sale of field crops, forest products, and livestock raised or cultivated on the property</i>					R	R			
<i>Agricultural Products Processing</i>					R				
<i>Animal Shelter/Kennels</i>					S [†]		S [†]		
<i>Bulk Seed, Feed, Fertilizer and Nursery Stock Outlet and Distribution Centers</i>					R	R	R		R
<i>Cider Mills/Wineries</i>					R	R			
<i>Farms and Agricultural Operations</i>					R	R			
<i>Forestry and Forest Management (including timber harvesting)</i>					R	R			
<i>Game Preserves (where game is hunted)</i>					R	R			
<i>Greenhouse, Nursery, Landscaping and Floriculture Production</i>					R	R	R		
<i>Lumberyards</i>						S [†]	R [†]		R [†]
<i>Raising and Growing Plants, Trees, Shrubs, Nursery Stock</i>					R	R			
<i>Riding Arenas or Boarding Stables</i>					R [†]	R [†]			
<i>Roadside Stands</i>					R	R			
<i>Sawmills, planing mills, and veneer mills (that operate for more than 60 days)</i>					S [†]	S [†]			
<i>Seasonal Outdoor Mazes (of agricultural origin)</i>					R	R			
<i>Seasonal "U-Pick" Fruit and Vegetable Operations</i>					R	R			
<i>Slaughter Houses/Meat Packing Houses</i>					S				S
<i>Veterinary Services, Animal Clinics, Animal Hospitals</i>					S [†]		S [†]		
<i>Ancillary Uses related to Agricultural Tourism (see following):</i>									
<i>Bakeries selling goods grown primarily on-site</i>					R	R			
<i>Educational tours, classes, lectures, and seminars</i>					R	R			
<i>Family-oriented animated barns (fun houses, haunted houses)</i>					R	R			
<i>Gift shops for agriculturally-related products, crafts</i>					R	R			
<i>Historical agricultural exhibits</i>					R	R			
<i>Kitchen facilities, processing/cooking items for sale</i>					R	R			
<i>Organized meeting space (weddings, birthdays, corporate picnics)</i>					S	S			
<i>Petting farms, animal display, and pony rides</i>					R	R			
<i>Picnic areas (including rest rooms)</i>					R	R			
<i>Playgrounds, wagon/sleigh rides, nature trails</i>					R	R			
<i>Restaurant operations related to the agricultural use of the site</i>					S	S			
<i>Small-scale entertainment (music concert, car show, art fair)</i>					S	S			

ARTICLE 6

NONCONFORMING BUILDINGS, STRUCTURES, USES, LOTS, AND SIGNS

Section 6.0 - Purpose

It is the purpose of this Article to provide regulations governing buildings, structures, signs, and uses of parcels, lots, buildings and structures which were legal before this Ordinance was adopted or amended. The lawful uses of land, buildings, structures, and signs in effect at the date of adoption of the Ordinance may be continued. Such uses, buildings, structures, lots and signs shall be designated as "Nonconforming." It is the intention of this Ordinance that all nonconforming uses will either be eliminated or changed to conforming uses over a period of time. The Ordinance and actions by the Planning Commission are intended to encourage the elimination of nonconformities and to discourage anything that extends the normal useful life of a nonconformity. If a structure or use is nonconforming because of height, floor area, parking or loading space provisions of this Ordinance, it may be extended, enlarged, altered, remodeled or modernized to comply with these provisions. Once in compliance no structure or use shall again become nonconforming in these categories. The regulations contained in this Article are designed to ensure that such uses will be properly regulated so as to result in a minimum of disharmony between themselves and the districts in which they are located.

Section 6.1- Nonconforming Buildings and Structures

A. Maintenance of Nonconforming Buildings and Structures

Nothing in this Ordinance shall prevent such necessary repairs and incidental alterations of a nonconforming building existing on the effective date of this Ordinance as may be necessary to secure a reasonable advantageous use thereof during its natural life.

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

B. Completion of Nonconforming Buildings and Structures

Nothing in this Ordinance shall require any change in the construction or intended use of a building or structure if the construction of such building or structure has been substantially under way on the effective date of this Ordinance.

C. Damaged or Total Destruction of Nonconforming Buildings or Structures

Any building or structure, whether it be nonconforming because of the building itself or the lot on which it is located, shall be reconstructed to its original configuration in the event it is destroyed or partially destroyed by explosion, fire or other acts of God. An applicant for rebuilding of such a nonconforming building or structure shall make every attempt to rebuild the building to conform to current regulations, if possible. Such rebuilding shall require Planning Commission approval and work shall begin within one (1) year of occurrence. The Zoning Administrator may grant an additional extension of up to sixty (60) days, if necessary, due to extenuating circumstances which must be supported with documentation.

D. Alterations of a Nonconforming Building or Structure

1. Structural alterations or extensions which do not increase the nonconformity of the building or structure shall be permitted.
2. Nothing in this Ordinance shall prevent the modification of a building when doing so is required in order to comply with barrier-free requirements and the Americans with Disabilities Act.

E. Moving of a Nonconforming Building or Structure

No such nonconforming building or structure shall be moved in whole or in part to any other portions of the lot or parcel occupied, other than to correct or lessen the nonconforming conditions.

Section 6.2 - Nonconforming Uses

The lawful use of any premises existing at the time of the adoption of this Ordinance may be continued, although such use does not conform to provisions of this Ordinance. All nonconforming uses shall be maintained in good condition.

A. Abandonment of a Nonconforming Use

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

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

B. Change of Nonconforming Use

No nonconforming use shall be changed to other than a conforming use, nor shall any use be reverted to a former nonconforming use after said use has been changed to a conforming use.

C. Extension of Nonconforming Use

Nonconforming uses shall not be expanded or increased in intensity of use. For the purpose of this Section, increases in the intensity of use shall include, but shall not be limited to, such activities as the addition of one or more dwelling units, the provision of additional manufacturing or selling area, or by the addition of facilities which would allow expansion of the nonconforming use or the establishment of another nonconforming use.

Section 6.3 - Nonconforming Lots of Record

Except as provided in **Section 6.4**, any nonconforming lot of record may be used for any purpose authorized by the district in which it is located. Any required variances may be requested pursuant to the procedures and standards of this Ordinance. Such lot must be in separate ownership and not of continuous frontage with other lots in the same ownership as of the date of adoption of this Ordinance. This provision shall apply even though such lot fails to meet the requirements for area or width applicable in the district, provided that yard dimensions 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.

Section 6.4- Nonconforming Contiguous Parcels

If two (2) or more contiguous *lots*, parcels, or portions of lots or parcels are under the same ownership and do not individually meet the lot width, depth, and/or area requirements of this Ordinance, then those contiguous *lots*, parcels, or portions of lots or parcels shall be considered an undivided lot or parcel for the purposes of this Ordinance, and no portion of such undivided lot or parcel shall be used or divided in a manner that diminishes compliance with the lot width, depth, and/or area requirements established by this Ordinance.

Section 6.5- Nonconforming Signs

- A. Subject to the remaining restrictions of this Section, nonconforming signs that were otherwise lawful on the effective date of this Zoning Ordinance may be continued.
- B. No person shall increase the extent of nonconformity of a nonconforming sign. Without limiting the generality of the foregoing, no nonconforming sign may be enlarged or altered in such a manner as to aggravate the nonconforming condition. Nor may illumination be added to any nonconforming sign.
- C. A nonconforming sign may not be moved or replaced except to bring the sign into complete conformity with this Ordinance or as allowed in **Section 6.5 (D)**.
- D. If a nonconforming sign is destroyed by natural causes, it may not thereafter be repaired, reconstructed, or replaced except in conformity with all provisions of this Ordinance. The remnants of the former sign structure not usable for a new conforming sign shall be cleared from the land. For purposes of this Section, a nonconforming sign is considered destroyed if it is damaged to an extent that the cost of repairing the sign to its former stature or replacing it with an equivalent sign equals or exceeds the value of the sign so damaged.
- E. If a nonconforming sign, other than an off-premise sign, advertises a business, service, commodity, accommodation, attraction, or other enterprise or activity that is no longer being offered or conducted, that sign shall be deemed abandoned and shall be removed by the owner of the sign, the owner of the property where the sign is located, or the party having control over such sign within ninety (90) days after such abandonment.
- F. If a nonconforming off-premise sign remains blank for a continuous period of ninety (90) days, that off-premise sign shall be deemed abandoned and shall, within thirty (30) days after such abandonment, be altered to comply with this Ordinance or be removed by the owner of the sign, the owner of the property where the sign is located, or the persons having control over such sign. For purposes of this Section, a sign is "blank" if:

1. It advertises a business, service, commodity, accommodation, attraction, or other enterprise or activity that is no longer operating or being offered or conducted;
2. The advertising message it displays becomes illegible in whole or substantial part; or
3. The advertising copy that either has been paid for by a party other than the sign owner or promotes an interest other than rental of the sign has been removed.

Section 6.6 - Zoning Board of Appeals Variance

Although it is the intent of this Ordinance to restrict the expansion and perpetuation of nonconforming uses of land and/or buildings or *uses*, the Zoning Board of Appeals, subject to a hearing, may allow an expansion or enlargement, provided that it is conclusively shown that such expansion or enlargement:

- A. Will not further reduce the value or otherwise limit the lawful use of adjacent properties.
- B. Will essentially retain the character and environment of abutting premises.
- C. Will not materially increase or perpetuate the nuisance aspects of the use upon adjacent uses (noise, glare, traffic, congestion, land overcrowding and related).

ARTICLE 7

PLOT PLANS AND SITE PLAN REQUIREMENTS AND REVIEW

Section 7.0 - Purpose

The purpose of this Article is to specify the documents and/or drawings required for site plan review so as to ensure that a proposed land use or development activity is in compliance with this Ordinance, other local ordinances, and State and Federal statutes and regulations. Furthermore, its purpose is to ensure that development taking place within the Township is properly designed, safe, efficient, environmentally sound, and designed in such manner as to protect adjacent properties from substantial adverse impacts.

Section 7.1- Plot Plan {Preliminary}

All applications for Zoning Permits which do not require a site plan shall be accompanied by a Plot Plan, drawn to scale, showing the following:

- A. The shape, location and dimensions for the lot, drawn to scale. The scale shall be of such size as deemed adequate by the Zoning Administrator to make a judgment that the application meets the requirements of this Ordinance. When deemed necessary by the Zoning Administrator, a survey may be required.
- B. Name and address of the property owner(s), developer(s), and designer(s), and their interest in said properties.
- C. The scale and North arrow.
- D. Location of required setbacks of the zoning district.
- E. The location, shape, dimensions, and height of all structures or impervious surfaces to be erected, altered or moved onto the lot and of any building or other structure already on the lot, drawn to scale. In addition, an elevation drawing of the proposed building(s) may be required by the Zoning Administrator in order to measure the height of the proposed structures.
- F. The location and configuration of the lot access and driveway, drawn to scale.
- G. The location and width of all abutting rights-of-way, easements, and public open spaces within or bordering the subject project.

- H. Location of existing or proposed septic system and water well.
- I. The existing and intended use of the lot and of all such structures upon it, including, in residential areas, the number of dwelling units the building is intended to accommodate.
- J. Natural features such as forests, water bodies, wetlands, high risk erosion areas, slopes over ten (10%) percent, drainage and other similar features, if determined by the Zoning Administrator to be applicable.
- K. Other information concerning the lot or adjoining lots that may be essential for determining whether the provisions of this Ordinance are being observed.

Section 7.2- Site Plan Review (All Districts)

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

- A. **Circumstances Requiring a Site Plan:** Site plans are required for the following uses:
 - 1. All new uses and/or structures except (a) single-family or two-family dwelling units; and (b) accessory structures to single-family or two-family dwelling units.
 - 2. Expansion or renovation of an existing use, other than single-family or two-family dwelling units and accessory structures thereof, which increases the existing floor space more than twenty-five (25%) percent.
 - 3. Changes of use for an existing structure or lot except for the circumstances listed in **Section 7.3**.
 - 4. Any Special Land Use.
 - 5. Planned Unit Developments.
 - 6. Any use requiring off-street parking, except single-family or two-family dwelling units.
 - 7. Establishment of a plat, a condominium subdivision, or other form of real estate development on greater than ten (10) acres of land on any parcel of land provided the plat, the condominium subdivision plan or other real estate

development establishes either (a) more than two (2) residential units or (b) any other use requiring a site plan under this Ordinance.

8. Other uses as required by this Ordinance.

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

Except for **Section 9.20 (Planned Unit Developments)**, this conference is not mandatory, but is recommended for small and large projects alike. For large projects, a pre-application conference should be held several months in advance of the desired start of construction. Such an advance conference will allow the applicant/developer time to prepare the needed information for the Planning Commission to make a proper review.

- C. **Site Plan Data Required:** Each site plan submitted shall contain the following information unless specifically waived, in whole or in part, by the Planning Commission. The Planning Commission can waive any or all of the below site plan requirements, when it finds those requirements are not applicable to the proposed development.

1. Name and address of the property owner(s), developer(s), and designer(s), and their interest in said properties.
2. The parcel's legal description.
3. The date, a North arrow, the scale and name of the individual or firm responsible for preparing said plan. The scale must be at least one (1) inch = fifty (50) feet for parcels under three (3) acres and not less than one (1) inch = one hundred (100) feet for parcels of three (3) acres or more.
4. A certified survey of the property prepared and sealed by a professional licensed surveyor, showing, at a minimum, the boundary lines of the property, all dimensions and legal description.
5. Boundary dimensions of environmental features such as forests, water bodies, wetlands, floodplains, high risk erosion areas, slopes over ten (10%) percent, drainage and other similar features.
6. The location, dimension, and height of all existing structures and all proposed uses or structures on the site, including principal building(s), accessory

structures, walkways, signs, exterior lighting, proposed drives, neighboring drives, curb cuts, vehicular circulation features, size and number of parking spaces, service lanes (show the dimensions of a typical parking stall and parking lot), loading and unloading areas, common use areas, recreational areas and facilities, and any impervious surface. An elevation drawing of the proposed building(s) is required in order to review the proposed building bulk and to verify height.

7. Area of the subject property to be covered by structures (not available to open space).
8. The location and width of all abutting rights-of-way, easements, utility lines, and public open spaces within or bordering the subject project.
9. The location and identification of all existing structures, lighting, signs, ingress drives, roads, and parking within a two hundred (200) foot radius of the site, including road names.
10. The front yard dimensions of the nearest building on both sides of the proposed structure.
11. The existing zoning district in which the site is located and the zoning of adjacent parcels.
12. The location of all existing and proposed landscaping as well as all existing and proposed fences or walls.
13. The location, size and slope of all surface and subsurface drainage facilities.
14. Location and status of any floor drains in structures on the site. The point of discharge for all drains and pipes shall be specified on the site plan.
15. Description and location of any existing or proposed outdoor storage facilities (above ground and below ground storage).
16. Description and location of on-site wastewater treatment and disposal systems.
17. Location of existing and proposed private drinking water wells, monitoring wells, test wells, irrigation wells, or wells used for industrial processes.
18. The location of snow storage areas.
19. The topography of the existing and finished site shall be shown by contours or spot elevations. Where the existing slope on any part of the site is ten percent

(10%) or greater, contours shall be shown at height intervals of two (2) feet or less.

20. Generalized soil analysis data, which may include data prepared by the Alcona County Soil Conservation District regarding the soils and their adaptability to the use. More detailed information may be required where the Planning Commission determines that the site and use warrant a more critical review of soils.
21. All site plans shall comply with the terms of the Alcona County Soil Erosion and Sedimentation Control Ordinance and Stormwater Ordinance. It shall be the applicant's responsibility to provide documentation of compliance with these County Ordinances.
22. Anticipated hours of operation for the proposed use. The Planning Commission may impose reasonable limits to hours of operation as a condition of site plan approval when warranted to assure compatibility with surrounding land uses.
23. Elevation drawings of the front and rear of the main building.
24. Site plans for residential projects (multiple family developments and manufactured home parks) shall include the following additional information:
 - a. Minimum floor area of dwelling units.
 - b. Total number of units proposed.
 - c. Number of bedrooms per unit in multiple family developments.
 - d. Areas to be used for open space and recreation.
25. Impact Statement. The statement shall address itself to the following as applicable to the type of use:
 - a. A complete description of the proposed development including: areas of the site; the number of lots or units; and the number and characteristics of the population impact such as density, as it relates to elderly persons, school children, tourists, family size, income, and related information as applicable.
 - b. Expected demands on community services, and how these services are to be provided, to specifically include: school classroom needs, volume of water consumption related to ground water reserves, change in traffic volume on adjacent streets and other factors that may apply to the particular development.

- c. Statements relative to the impact of the proposed development on soil erosion, drainage patterns, shoreline protection, wildlife habitat, air pollution, water pollution (ground and surface), noise pollution and the aesthetics and scale of development in terms of the surrounding environment. Statement of the impact of the development with respect to noise, dust, fire hazard, fumes, odors, vibration, smoke, or excessive light.

D. **Application Submittal Procedures:**

- 1. Eight (8) copies of the proposed site plan, including all required additional or related information, shall be presented to the Zoning Administrator by the petitioner or property owner or his designated agent at least thirty (30) days prior to the Planning Commission meeting at which the site plan will be considered. The Zoning Administrator will review the materials submitted to assure all information required by the Ordinance has been provided. If the application is incomplete, the Zoning Administrator will send a notice with a detailed list of all deficiencies to the applicant. If the site plan, including all required additional or related information, is determined to be complete, the

Zoning Administrator shall cause the submittal to be placed on the agenda of the next regular Planning Commission meeting.

- 2. The Planning Commission may distribute the site plan to the following agencies or any other agency deemed appropriate for comment prior to consideration for approval:
 - a. The Alcona County Road Commission and, if appropriate, the Michigan Department of Transportation;
 - b. District Health Department No. 2;
 - c. Local fire and ambulance service providers.
- 3. Application fees to cover the estimated review costs as determined pursuant to **Section 10.6** of this Ordinance shall be paid when the application and site plan are submitted.
- 4. Where the applicant is dependent upon the grant of any variances by the Zoning Board of Appeals, said favorable action by the Zoning Board of Appeals shall be necessary before the site plan approval can be granted, or the site plan may be approved subject to favorable action by the Zoning Board of Appeals.

5. The applicant or his/her representative shall be present at the scheduled review. If the applicant fails to provide representation, the review will be addressed at the next scheduled Planning Commission meeting.
6. The Planning Commission may request the assistance of a qualified professional planner, engineer, attorney, or other professional in the site plan review process if deemed necessary or advisable.

E. Standards for Granting Site Plan Approval:

1. The Planning Commission shall approve, or approve with conditions, an application for a site plan only upon a finding that the proposed site plan complies with all applicable provisions of this Ordinance and the standards listed below unless the Planning Commission waives a particular standard upon a finding that the standard is not applicable to the proposed development under consideration and the waiver of that standard will not be significantly detrimental to surrounding property or to the intent of the Ordinance. The Planning Commission's decision shall be in writing and shall include findings of fact, based on evidence presented on each standard.
 - a. **Public Welfare and Adjoining Properties:** The uses proposed will not adversely affect the public health, safety, or welfare. Uses and structures located on the site shall take into account the size of the property, uses on the adjoining property and the relationship and size of buildings to the site. The site shall be developed so as not to impede the normal and orderly development or improvement of surrounding property for uses permitted in this Ordinance.
 - b. **Topography and Natural Landscape:** All elements of the site plan shall be designed so that there is a limited amount of change in the overall natural contours of the site and shall minimize reshaping in favor of elements that respect existing features of the site in relation to topography. The landscape shall be preserved in its natural state, insofar as practicable by minimizing tree and soil removal, and by topographic modifications which result in smooth natural appearing slopes as opposed to abrupt changes in grade between the project and adjacent areas.
 - c. **Drainage:** On-site drainage shall be required. Appropriate measures shall be taken to ensure that removal of surface waters will not adversely affect neighboring properties. Provisions shall be made to accommodate stormwater and to prevent erosion and the formation of dust. The use of detention/retention ponds may be required. Surface water on all paved areas shall be collected at intervals so that it will not obstruct the flow of

vehicular or pedestrian traffic of create puddles in paved areas. Catch basins may be required to contain oil filters or traps to prevent contaminants from being discharged to the natural drainage system.

- d. **Privacy:** The site plan shall provide reasonable visual and sound privacy for all dwelling units located therein. Fences, walls, barriers and landscaping shall be used, as appropriate for the protection and enhancement of property and for the privacy of its occupants.
- e. **Emergency Vehicle Access:** All buildings or groups of buildings shall be so arranged as to permit emergency vehicle access by some practical means to all sides.
- f. **Vehicular and Pedestrian Circulation:** Safe, convenient, uncontested, and well-defined vehicular and pedestrian circulation shall be provided for ingress/egress points and within the site. The pedestrian circulation system shall be as insulated as completely as reasonably possible from the vehicular circulation system. Drives, streets and other circulation routes shall be designed to promote safe and efficient traffic operations, within the site and at ingress/egress points. The arrangement of public or common ways for vehicular and pedestrian circulation shall respect the pattern of existing or planned streets and pedestrian or bicycle pathways in the area. Streets and drives which are part of an existing or planned street pattern which serves adjacent development shall be of a width appropriate to the traffic volume they will carry. Where possible, shared commercial access drives shall be encouraged.
- g. **Access:** Every structure or dwelling unit shall have access to a public street, private road, walkway or other area dedicated to common use.
- h. **Outdoor Storage:** All loading and unloading areas and outside storage areas, including areas for the storage of trash, which face or are visible from residential districts or public thoroughfares, shall be screened, by a vertical screen consisting of structural or plant materials of sufficient height to obscure the direct view from adjacent first floor elevations.
- i. **Exterior Lighting:** Exterior lighting shall be arranged so that it is deflected away from adjacent properties and so that it does not interfere with the vision of motorists along adjacent streets. Lighting of buildings or structures shall be minimized to reduce light pollution.
- j. **Compliance with other Statutes and Regulations:** Site plans shall conform to all applicable requirements of State and Federal Statutes and the current Master Plan, and approval may be conditioned on the

applicant receiving necessary State and Federal permits before the actual Zoning Permit is granted.

The following standards relate to groundwater protection:

- k. The project and related improvements shall be designed to protect land and water resources from pollution, including pollution of soils, groundwater, rivers, streams, lakes, ponds, and wetlands
- l. Storm water detention, retention, transport, and drainage facilities shall be designed to use or enhance the natural storm water system on site, including the storage or filtering capacity of wetlands, watercourses, and water bodies, and/or the infiltration capability of the natural landscape. Storm water facilities shall not cause flooding or the potential for pollution of surface or groundwater, on-site or off-site. Storm water facilities shall conform to the requirements of the Alcona County Road Commission Manager who has been delegated the duties of Drain Commissioner.
- m. General purpose floor drains shall be connected to an on-site holding tank (not a septic system) in accordance with State and County requirements, unless a groundwater discharge permit has been obtained from the appropriate governing entity. General purpose floor drains, which discharge to groundwater, are prohibited.
- n. Sites at which hazardous substances, hazardous wastes, or potentially polluting materials are stored, used, or generated shall be designed to prevent spills and discharges of such materials to the air, surface of the ground, groundwater, lakes, streams, rivers or wetlands.
- o. Secondary containment facilities shall be provided for aboveground storage or hazardous substances, hazardous wastes, or potentially polluting materials in accordance with State and Federal requirements. Aboveground secondary containment facilities shall be designed and constructed so that the potentially polluting material cannot escape from the unit by gravity through drains or other means directly or indirectly into groundwater.
- p. Underground storage tanks shall be registered, installed, operated, maintained, closed and removed in accordance with regulations of the appropriate governing entity.

- q. Out-of-service or abandoned underground storage tanks shall be closed and removed in accordance with regulations of the appropriate governing entity.
 - r. Aboveground storage tanks shall be certified, installed, operated, maintained, closed or removed in accordance with regulations of the appropriate governing entity.
 - s. Bulk storage facilities for pesticides and fertilizers shall be in compliance with requirements of the appropriate governing entity.
 - t. Abandoned water wells (wells that are no longer in use or are in disrepair), abandoned monitoring wells, and cisterns shall be plugged in accordance with regulations and procedures of the appropriate governing entity and District Health Department No. 2.
 - u. State and Federal requirements for storage, spill prevention, record-keeping, emergency response, transport and disposal of hazardous substances, hazardous wastes, liquid industrial waste or potentially polluting materials shall be met. No discharge to surface water or groundwater, including direct or indirect discharges of waste, waste effluent, wastewater, pollutants, or cooling water, shall be allowed without approval from State, County and local agencies.
2. The Planning Commission may seek the recommendations of the Fire Chief, the Alcona County Road Commission, District Health Department No. 2, the Michigan Department of Natural Resources, the Michigan Department of Environmental Quality, or other agencies as appropriate, where applicable.

F. Approval of Site Plan:

- 1. Within ninety (90) days of the site plan application being found complete, the Planning Commission shall act to approve, approve with modifications and/or conditions, or disapprove the site plan in writing with reasons.
- 2. If approved by the Planning Commission three (3) copies of the site plan shall be signed and dated by both the applicant and the Planning Commission Chair. One (1) signed and dated site plan shall be provided to the applicant; one (1) shall be retained by the Zoning Administrator as part of the Township's permanent zoning file, and one (1) copy shall be made part of the Planning Commission's permanent record of proceedings on the site plan.

G. Conformity to Approved Site Plan Required: Following approval of a site plan by the Planning Commission, the applicant shall construct the site plan improvements in

complete conformity with the approved site plan. Failure to do so shall be deemed a violation of this Ordinance.

H. Amendment of Approved Site Plan:

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

1. The owner of property for which a site plan has been approved shall notify the Zoning Administrator of any desired change to the approved site plan. Minor changes may be approved by the Zoning Administrator upon determining that the proposed revision(s) will not alter the basic design and character of the site plan, nor any specified conditions imposed as part of the original approval. Minor changes shall include the following:
 - a. Reduction of the size of any building and/or sign.
 - b. Movement of buildings and/or signs by no more than ten (10) feet.
 - c. Landscaping approved in the site plan that is replaced by similar landscaping to an equal or greater extent.
 - d. Changes in floor plans that do not exceed five (5%) percent of the total floor area and which do not alter the character of the use or increase the amount of required parking.
 - e. Internal re-arrangement of a parking lot which does not affect the number of parking spaces or alter access locations or design.
 - f. Changes that will preserve the natural features of the site without changing the basic site layout.
 - g. Changes related to item a. through f. above, required or requested by Caledonia Township, Alcona County, or other State or Federal regulatory agencies in order to conform with other laws or regulations; provided the extent of such changes does not alter the basic design and character of the site plan, nor any specified conditions imposed as part of the original approval.
 - h. All amendments to a site plan approved by the Zoning Administrator shall be in writing. After approval by the Zoning Administrator, the applicant shall prepare a revised site plan showing the approved amendment. The revised site plan shall contain a list of all approved amendments and a

place for the Zoning Administrator to sign and date all approved amendments.

2. An amendment to an approved site plan that cannot be processed by the Zoning Administrator under **subsection H. 1.** above shall be processed in the same manner as the original site plan application.

I. **Expiration of Site Plan:**

1. The site plan shall expire unless construction of an approved site plan improvement has begun with 365 days of approval. Thirty {30} days prior to expiration of an approved final site plan, an applicant may make application to the Planning Commission for a one (1) year extension of the site plan at no fee. The Planning Commission shall grant the requested extension for an additional one (1) year if it finds good cause for the extension.
2. Any subsequent re-submittal of a site plan due to expiration which has not been granted an extension shall be processed as a new request with new fees.

J. **Conditional Approvals:** The Planning Commission may impose reasonable conditions with the approval of a final site plan, pursuant to **Section 10.2** of this Ordinance.

K. **Performance Guarantee Required:** The Planning Commission may require an applicant to provide a performance guarantee in connection with the approval of a final site plan, pursuant to **Section 10.7** of this Ordinance.

Section 7.3 - Site Plan Waiver

The Zoning Administrator may waive site plan review requirements and, in the case of a use that would normally require Planning Commission approval, the stated review and approval procedures by the Planning Commission in any of the following cases where he or she determines that the submission of a site plan and adherence to the stated review and approval procedures by the Planning Commission would serve no useful purpose:

- A. Accessory structures for a non-residential use.
- B. A change in principal use where such change would not result in an increase in impervious surface, additional off-street parking, access or other external site characteristics, or create a violation of this Ordinance.

ARTICLE 8

SPECIAL LAND USES

Section 8.0 - General Requirements

Uses requiring special approval shall be subject to the general provisions and supplemental site development standards of this Ordinance as well as to the provisions of the Zoning District where it is located. Each use shall be considered on an individual basis.

Section 8.1- Special Land Use Procedures

A. Applications:

An application for a Special land Use shall be submitted through the office of the Zoning Administrator to the Planning Commission on a special form provided for that purpose, and shall include items listed below in **Section 8.1- A.1 through A.4**. The Zoning Administrator will review the materials submitted to assure all information required by the Ordinance has been provided. If the application is incomplete, the Zoning Administrator will send a notice with a detailed list of all deficiencies to the applicant. If the site plan, including all required additional or related information, is determined to be complete, the Zoning Administrator shall forward the application to the Planning Commission Chair for placement on the agenda of the Planning Commission meeting as a public hearing after notice has been provided in accordance with **Section 10.3**.

1. Site plan prepared under the requirements of **Article 7**.
2. Description of proposed use, including parking facilities, if required, and any exceptional traffic situation the use may occasion.
3. A statement prepared by the applicant appraising the effect on the neighborhood.
4. The application shall be accompanied by the fee established by the Township Board of Trustees.

B. Special Land Use Approval Standards:

The Planning Commission shall approve, or approve with conditions, an application for a Special Land Use permit only upon finding that the proposed Special Land Use complies with all the following standards:

1. **Allowed Special Land Use:** The property subject to the application is located in a Zoning District in which the proposed Special Land Use is allowed.

2. **Compatibility with Adjacent Uses:** The proposed Special Land Use shall be designed, constructed, operated and maintained to be compatible and appropriate in appearance with existing or planned uses and the intended character of the area and the surrounding land. In determining whether a Special Land Use will be compatible and not create a significant detrimental impact, as compared to the impacts of permitted uses, consideration shall be given to the degree of impact the Special Land Use may have on adjacent property, as compared with the expected value to the community. The following types of impacts shall be considered:
 - a. Use activities, processes, materials, equipment, or conditions of operation;
 - b. Vehicular circulation and parking areas;
 - c. Outdoor activity, storage and work areas;
 - d. Hours of operation;
 - e. Production of traffic, noise, vibration, smoke, fumes, odors, dust, glare, and light;
 - f. Impacts on adjacent property values; and
 - g. The relative ease by which the impacts above will be mitigated.

3. **Public Services:**
 - a. The proposed Special Land Use will not place demands on fire, police, or other public resources in excess of current capacity.
 - b. The proposed Special Land Use will be adequately served by public or private streets, water and sewer facilities, and refuse collection and disposal services.

4. **Economic Well-Being of the Community:** The proposed Special Land Use shall not be detrimental to the economic well-being of the surrounding residents, businesses, landowners, and the community as a whole.

5. **Compatibility with Natural Environment:** The proposed Special Land Use will not involve uses, activities, processes, materials, or equipment that will create a

substantially negative impact on the natural resources of the Township or the natural environment as a whole.

6. **Impact of Traffic on Street System:** The location and design of the proposed Special Land Use shall minimize the negative impact on the street system in consideration of items such as vehicle trip generation (i.e., volume), types of traffic, access location and design, circulation and parking design, street and bridge capacity, traffic operations at proposed access points, and traffic operations at nearby intersections and access points. The proposed Special Land Use shall not cause traffic congestion, conflict or movement in greater

proportion to that normally prevailing for the use in the particular zoning district.

7. **Non-Detrimental Standards:** The proposed Special Land Use shall not involve uses, activities, processes, materials, equipment or conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of noxious or offensive production of noise, smoke, fumes, glare, vibration, odor or traffic.
8. **Compliance with Supplemental Site Development Standards:** The proposed Special Land Use complies with all applicable supplemental site development standards as contained in **Article 9** of this Ordinance.

C. **Decision:**

The decision on a Special Land Use shall be incorporated into a written statement of findings and conclusions relative to the Special Land Use which specifies the basis for the decision and any condition(s) imposed.

D. **Amendment of Approved Special Land Use:**

Amendment of an approved Special Land Use shall be permitted only under the following circumstances:

1. The owner of property for which a Special Land Use has been approved shall notify the Zoning Administrator of any desired change to the approved Special Land Use. Minor changes may be approved by the Zoning Administrator upon determining that the proposed revision(s) will not alter the basic design and character of the Special Land Use, nor violate any of the specified conditions imposed as part of the original approval. Minor changes shall include the following:
 - a. Reduction in the size of any building and/or sign.

- b. Movement of buildings and/or signs by no more than ten (10) feet.
 - c. Landscaping approved in the Special Land Use that is replaced by similar landscaping to an equal or greater extent.
 - d. Changes in floor plans that do not exceed five (5%) percent of the total floor area and which do not alter the character of the use or increase the amount of required parking.
 - e. Internal re-arrangement of a parking lot which does not affect the number of parking spaces or alter access locations or design.
 - f. Changes which are required or requested by Caledonia Township, Alcona County, or other State or Federal regulatory agencies in order to conform with other laws or regulations; provided the extent of such changes does not alter the basic design and character of the Special Land Use, nor violate any of the specified conditions imposed as part of the original approval.
 - g. All amendments to a Special Land Use approved by the Zoning Administrator shall be in **writing**. After approval by the Zoning Administrator the applicant shall prepare a revised site plan showing the approved amendment. The revised site plan shall contain a list of all approved amendments and a place for the Zoning Administrator to sign and date all approved amendments.
2. An amendment to an approved Special Land Use that cannot be processed by the Zoning Administrator under **Section 8.1(0)(1)** above shall be processed in the same manner as an original Special Land Use application.
- E. **Inspection:** The Zoning Administrator shall have the right to inspect any Special Land Use to ensure continued compliance with the conditions of the Special Land Use.
- F. All applicable Federal State and local licensing regulations shall be complied with. Initial and annual proof of such compliance may be a condition of Special Land Use approval and the continuance thereof.
- G. As a minimum, or unless specifically modified by the provisions of **Article 9**, the dimensional standards and landscape, buffering and parking regulations otherwise applicable to the use and/or zoning district shall be maintained as outlined within the other various applicable Articles of this Ordinance. In such cases where there are conflicting standards, the most restrictive shall apply unless specifically modified by the provisions of **Article 9** or the approving body.

- H. Upon review, the Planning Commission may stipulate such additional conditions and safeguards deemed necessary as referred to in **Section 10.2**.

ARTICLE 9

SUPPLEMENTAL REGULATIONS

Section 9.0- Supplemental Regulations

The uses listed below shall be subject to the requirements of this Article, in addition to those of the zoning district in which the use is located, along with provisions located elsewhere in this Ordinance.

Section 9.1- Airports and Landing Fields

- A. Privately owned and maintained aircraft landing strips, more or less parallel to a public road, shall be set back from such road for a minimum distance of two hundred (200) feet. Where a privately owned landing strip is situated more or less perpendicular to a public road, such landing strip shall be separated from said road by a distance of at least four hundred (400) feet.
- B. All privately owned and maintained aircraft landing strips shall be at least two hundred-fifty (250) feet from the nearest residential dwelling unit and at least one thousand (1,000) feet from all other buildings not designated as accessory structures for said aircraft landing field.
- C. All other aircraft landing fields or airports must conform to applicable Federal and State regulations and be approved by appropriate Federal and State agencies prior to submittal of a site plan to the Planning Commission.

Section 9.2- Automobile Repair/Automobile Service Station

- A. No ingress or egress to an automobile service station or automobile repair garage shall be closer than twenty-five (25) feet from any intersection or residential property line abutting the property on which such facility is located.
- B. All lubrication equipment, hydraulic hoists and pits shall be completely enclosed within a building. All gasoline pumps shall be located not less than twenty-five (25) feet from any lot line and shall be arranged so that motor vehicles are provided easy egress and ingress to and from the adjoining road and so that no portion of the vehicle while it is stopped for service, shall overhang onto a sidewalk, curb, road or public right-of-way.

- C. All outside storage areas for trash, used tires, auto parts and similar items shall be enclosed by a fence or masonry wall at least six (6) feet in height. Outside storage or parking of disabled, wrecked or partially dismantled vehicles shall be allowed for a period not to exceed fifteen (15) days.
- D. All exterior lighting shall comply with **Section 3.30** of this Ordinance.
- E. Parking and stacking spaces shall be provided subject to **Section 3.22** of this Ordinance.

Section 9.3 - Bed and Breakfast Facilities/Tourist Homes:

- A. While this Section is established to enable single-family dwelling units to be used as bed and breakfast facilities or tourist homes, it is the intent of the Planning Commission to preserve the character of the residential district in which the operation is located. A bed and breakfast or tourist home is a subordinate use to a single-family dwelling unit subject to the following conditions:
 1. The bed and breakfast or tourist home shall not alter the residential character of the structure.
 2. The operator shall live on the premises when the operation is active.
 3. Bed and breakfasts or tourist homes will operate in compliance with all local, State and Federal requirements.
 4. Each guest room shall be equipped with a separate functioning smoke detector alarm. A fire extinguisher in proper working order shall be installed and maintained on every floor. Guests shall have access to lavatory and bathing facilities.
 5. The use shall be located in the principal structure on the property. The rooms utilized for sleeping shall be part of the primary residential use and not specifically constructed for rental purposes. The Planning Commission may grant permission for accessory dwellings or structures in existence as of the effective date of this Section and located on the same parcel as the principal structure containing the bed and breakfast to be used as additional sleeping rooms.
 6. The maximum length of stay for bed and breakfasts and tourist homes for guests shall be fourteen (14) consecutive days.

7. Two (2) off-street paved or graded gravel parking spaces shall be provided for the operator of the facility, plus one (1} parking space for each available guest room and one (1} for any non-resident employee.
8. Rental of snowmobiles, ATV's, or similar vehicles, boats, and other marine equipment in conjunction with the operation of the establishment may be permitted as part of the approval process. Such requests will be evaluated by the Planning Commission on a case by case basis based on information provided by the applicant. Applicable State laws regarding the rental of motorized vehicles must be complied with.
9. The dwelling unit has no exterior evidence, other than a sign meeting the requirements of **Section 3.31**, to indicate that the dwelling is being utilized for any purpose other than as a residence.
10. Breakfast may be served only to overnight guests in accordance with State public health regulations regarding bed and breakfast facilities.
11. Any number of dwelling residents may assist with the bed and breakfast operation, but not more than one (1} non-resident full-time equivalent employee may be hired. The bed and breakfast operation shall produce no excessive noise, traffic, glare or other nuisance that would be detrimental to the character of the neighborhood.

Section 9.4- Child Care Homes (Group)/Child Care Center

- A. A Special Land Use Permit in the case of a Group Child Care home and a standard Zoning Permit in the case of a Child Care Center will be issued if the group day care home or child care center meets all of the following conditions:
 1. Is not located closer than fifteen hundred (1,500) feet to any of the following:
 - a. Another licensed group day care home.
 - b. An adult foster care home or large group home licensed under the Adult Foster Care Facility Licensing Act, PA 218 of 1979.
 - c. A facility offering substance abuse treatment and rehabilitation services for seven (7) or more people licensed under Article 6 of the public health code PA 368 of 1978.

- d. A community correction center, resident home, halfway house/ or other similar facility which houses an inmate population under the jurisdiction of the Department of Corrections.
- 2. Has at least four hundred (400) square feet of fenced outdoor space.
- 3. Maintains the property consistent with the visible characteristics of the neighborhood.
- 4. Does not exceed sixteen (16) hours of operation during a twenty-four (24) hour period.

Section 9.5 - Campgrounds and Travel Trailer Parks

- A. A minimum lot size shall be ten (10) acres.
- B. The lot shall provide direct vehicular access to a public road. The term "lot" shall mean the entire campground or travel trailer park.
- C. All sanitary stations, privies, or any sanitary facilities shall be located at least one hundred (100) feet from property lines.
- D. The campground perimeter shall be completely screened by natural terrain, a neatly finished and well-maintained wooden privacy fence or masonry wall, or by well-maintained live evergreens.
- E. Campsites shall be located at least fifty (50) feet from property lines.
- F. All campgrounds and trailer courts shall comply with State of Michigan and District Health Department No. 2 requirements.

Section 9.6 - Car Wash Facilities

- A. Layout: Washing activities shall be carried on within an enclosed building and/or one exterior wash bay may be allowed. Entrances and exits shall not face abutting residentially used property if an existing residence is located within two hundred (200) feet of the car wash facility.
- B. Vacuuming activities shall be at least fifty (50) feet from any adjoining residential use.

- C. Entrances and Exits: Sufficient space shall be provided on the lot so that vehicles do not enter or exit the wash building directly from an adjacent street or alley. All maneuvering areas, stacking lanes, and exit aprons shall be located on the car wash parcel itself. Streets and alleys shall not be used for maneuvering or parking by vehicles to be serviced by the automobile wash.

Section 9.7 - Cemeteries

- A. Establishment of a cemetery shall comply with Section 2458 of Public Act 368 of 1978.
- B. Location: No portion of any cemetery that is located in a wetland shall be developed or platted for gravesites.
- C. Accessory Buildings: A crematorium, mausoleum, columbarium, or other accessory building may be permitted within a cemetery provided that any such building shall be designed and located in accordance with a cemetery plan, and in compliance with appropriate district setbacks.
- D. Setbacks: No building or structures containing bodies or remains, other than subterranean graves, shall be located closer than fifty (50) feet to the boundary line of any residential or commercial district.

Section 9.8 - Commercial and Industrial Uses with Outdoor Storage

Outside storage of equipment or materials in the Commercial and Industrial Districts shall be located in the rear or side yards, screened from view, and vehicular access to such storage shall be maintained.

Section 9.9 - Drive-Through Businesses

- A. These standards are designed to provide adequate vehicle stacking space on business properties that offer drive-in or drive-through services in order to avoid congestion on adjacent streets and to require site designs that address on-site circulation patterns, recognizing potential pedestrian conflicts with vehicles entering/exiting the property vehicles using parking lots and vehicles using drive-through service lanes.
- B. Businesses which provide a drive-in or drive-through service (not including Automobile Service Stations) may be permitted as regulated in their respective Zoning Districts, subject to the review of the Planning Commission and the following conditions:

1. Vehicular access drives shall be located at least sixty (60) feet from the nearest right-of-way line of all intersecting streets.
2. Drive-through/drive-in service windows and order areas shall only be located in the side or rear yard of the property.
3. Site design shall show compatibility between pedestrians and parking areas, stacking lanes, access lanes to parking spaces, and drive-through lanes.
4. If deemed appropriate by the Planning Commission to achieve compatibility with adjacent uses, planted greenbelts, berms, and/or fencing/walls may be required on the sides abutting or adjacent to a residential use.
5. Stacking spaces shall be provided for drive-through operations, subject to the standards listed in the parking requirements in **Section 3.22**.

Section 9.10- Extractive Industry

- A. Businesses engaged in extractive operations shall comply with all applicable State and Federal regulations.
- B. When extractive industrial operations cease at a site the following shall apply:
 1. All buildings must be removed from the site; and
 2. All hazardous materials shall be removed from the site.

Section 9.11- Junkyards, Salvage Yards and Sanitary Landfills

- A. Junk and salvage yards may be established and maintained in accordance with all applicable Statutes of the State of Michigan; are only permitted in the Industrial District and shall be located only on sites which are completely screened from adjacent properties and public view. Inoperative vehicles stored or contained in junkyards are permitted only in enclosed structures or in outside areas which are completely screened from adjacent properties and public view.
- B. Sanitary landfills:
 1. Shall only be located in the Industrial District.

2. Shall only be permitted if planned to be located in the Township in accordance with the County's Solid Waste Management Plan prepared in conformance with Part 115 of the Natural Resources and Environmental Protection Act, as amended or under the jurisdiction of the appropriate governing entity in conformance with Part 111 of the Natural Resources and Environmental Protection Act; as amended.
 3. Shall have direct access only from an impervious hard surface paved all-weather year-round road as defined by the Alcona County Road Commission or State Department of Transportation.
- C. The location of a junkyard, salvage yard or sanitary landfill shall be at least one hundred twenty-five (125) feet from any public road. All uses of such facilities shall be completely screened from sight by natural terrain, or by a neatly finished and maintained wooden privacy fence or masonry fence, screening wall, or by well maintained evergreens. Said screening fence or wall shall not contain any signs or symbols. Junk, trash, and refuse shall not be piled higher than the top of the screening barrier.
 - D. Glare from any process, such as arc welding, conducted at a junkyard, salvage yard or sanitary landfill, which emits harmful rays shall be screened so as not to constitute a hazard or nuisance to adjacent properties.
 - E. Operations shall be limited to between the hours of 8 a.m. and 10 p.m.
 - F. The Planning Commission shall have the authority to further limit the hours of operation or to impose conditions of operation to make the use more compatible with adjacent uses.

Section 9.12 - Kennels or Veterinary Clinic/Animal Hospital

- A. All kennels, veterinary clinics or animal hospitals shall be operated in conformance with County and State regulations and shall be on sites of at least one (1) acre for the first ten (10) animals boarded and an additional one (1) acre per each additional ten (10) animals boarded.
- B. Animals shall be confined within a building or in a fenced area to preclude their approaching nearer than five hundred (500) feet to any dwelling on adjacent premises or nearer than fifty (50) feet from the property line, whichever is greater.
- C. Outdoor animal enclosures shall be screened from adjacent properties and/or roads with an opaque fence or an evergreen buffer at least five (5) feet in height.

- D. The facility shall be so constructed and maintained that *odor*, dust, noise or drainage shall not constitute a nuisance or hazard to adjoining premises.
- E. Animals shall be kept in a soundproof building between the hours of 10 p.m. and 8 a.m.
- F. All principal use activities shall occur within an enclosed main building.

Section 9.13 - Keyhole Development (Residential Uses with Common Use Waterfront Property)

This section is intended to limit the number of users of the Township's lakes and streams frontage, to preserve the quality of surface waters, and to preserve the quality of the recreational use of all surface water in the Township. The restrictions below shall apply to any parcel regardless of whether access to the water shall be gained by easement, common fee ownership, single ownership, condominium agreement or lease.

- A. Any residential development which shares common water frontage shall not permit a greater density ratio than one (1) single family dwelling, cottage, condominium unit or apartment per twenty-five (25) feet of lake or stream frontage held in common ownership. The lake or stream frontage shall be measured along the ordinary high water mark of the lake or stream. As part of the Special Land Use permit application, the property owner or developer shall provide the Planning Commission with evidence that the limitation of residential unit density shall be included in the deed.
- B. All waterfront common use areas shall provide side yard buffer areas to reduce the impacts of common use lake access on adjacent riparian properties. Existing natural vegetation shall be maintained to provide immediate buffering screening. Additional landscaping may be required by the Planning Commission within the buffer area where necessary to achieve an adequate buffer.

Section 9.14- Lumber Yards

Facilities dealing primarily in the selling/distributing of lumber for wholesale or retail markets shall meet the following standards:

- A. The site is of a configuration as to be compatible with adjoining uses, having at least two hundred (200) feet of frontage on a public road, or part of a planned development having two hundred (200) feet of frontage.

- B. Accessory outdoor storage, other than lumber, shall be effectively obscured from public view by fences, greenbelts, structures, and/or other devices as approved by the Planning Commission.

Section 9.15- Mills -- Lumber, Planing and Veneer

Sawmills, planing mills, veneer mills and accessory or incidental mill operations involving logs, "unprocessed timber" and/or rough sawn lumber, are permitted provided:

- A. Structures housing mechanical wood cutting devices (head saws, cut-off saws, planers, lathes, etc.) shall not be located closer to an off-premise residence than two-hundred fifty (250) feet.
- B. Log storage and sawn timber or lumber shall not be located nearer than two-hundred fifty (250) feet from an off-premises residence.
- C. The location of a proposed mill is determined by the Planning Commission to be compatible with other uses in the general vicinity taking into account traffic flow, noise, scenic values, and residential environments where applicable.
- D. Nothing in this Ordinance shall be interpreted to exclude temporary and itinerant sawmill operations on property where the timber harvesting involves only those resources found on the same property. No permit shall be required where the operation involves a period of less than six (6) months on the same property or zoned lot.
- E. Operations shall be limited to between the hours of 8 a.m. and 10 p.m.
- F. Location of sawmills shall be such that operation will not create a nuisance to abutting residential or agricultural operations or to dwellings in the immediate area by reason of noise, dust or pollution.
- G. Residue from sawmill operations such as slab wood, sawdust, other by products, etc., shall be removed from the site or shall be stored on the site so as not to be unsightly to adjacent properties.

Section 9.16- Manufactured Housing Developments

Manufactured home developments shall be subject to the following conditions:

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

Section 9.17- Multiple-Family Dwelling Units

- A. **Front Yard Setback:** Where it is the intention of the developer of a multiple-family unit to utilize the front yard area for parking, there shall be a setback from the right-of-way of each street on which the lot abuts of at least sixty-five (65) feet; of which the front twenty-five (25) feet shall be landscaped. Where the front yard area is not used for parking, there shall be a setback from the right-of-way of all streets on which the multiple-family dwelling unit abuts of forty (40) feet; the total area of which shall be landscaped.
- B. **Side Yard Setback:** For multiple-family dwellings, there shall be a minimum interior side yard of twenty (20) feet and a minimum corner side yard of twenty (20) feet. There shall be a minimum rear yard of thirty-five (35) feet.
- C. **Minimum Floor Area:** Each multiple-family dwelling unit in this zoning district shall have a minimum of eight hundred (800) square feet of usable floor area exclusive of unenclosed porches, garages, and basements.

D. Density Regulations for Multiple-Family Dwelling Units

1. Not more than four (4) dwelling units per acre shall be permitted, except as otherwise herein provided.
2. There shall be a minimum of fifty (50%) percent of the net area of the parcel on which the multiple-family dwelling unit is proposed maintained as open space or non-profit recreational uses.
3. Density bonuses will be allowed provided the developer follows the following schedule:

Open Space*	Density* *
50%	4 units/acre
60%	6 units/acre
70%	8 units/acre
75%	10 units/acre

* Percent of Net Acreage

* * Units/Net Acre

4. In the process of determining the net acreage available for construction in a particular project, the developer shall not consider the following:
 - a. Lands having a slope greater than twenty (20%) percent: Twenty (20) feet of vertical fall in one hundred (100) lineal feet.
 - b. Lands covered by water or wetlands as defined by the Michigan Department of Environmental Quality (MDEQ).
 - c. Lands currently being utilized as a power line or gas line right-of-way or dedicated as some other type of right-of-way.

E. Other Development Regulations for Multiple-Family Dwelling Units

1. The horizontal distance measured in feet between parallel or nearly parallel elements of buildings forming courts and courtyards shall be not less than twice the height of the taller building measured in feet.
2. All areas provided for use by vehicles shall be surfaced with bituminous asphalt, concrete or similar materials.
3. Areas for loading and unloading delivery trucks and other vehicles and for refuse collection service, fuel and other services shall be provided; shall be adequate in

size; and shall be arranged in such a fashion that they may be utilized without blockage or interference with the use of driveways or automobile parking facilities.

4. Provisions shall be made for safe and efficient ingress and egress to the public and private roads servicing the multiple-family dwelling unit without undue congestion or interference with normal traffic flow.
5. The developer shall be required, where possible, to preserve or incorporate natural features such as woods, streams and open spaces that add to the overall enhancement of the area.
6. The developer shall be required to provide community areas, laundry facilities, playground and other services necessary for the comfort and convenience of residents.
7. All outside storage areas for trash shall be enclosed by a six (6) foot high solid wall or fence.
8. A site plan shall be submitted for each multiple family development in accordance with **Article 7** of this Ordinance. Said plan shall indicate or illustrate how the requirements of this section are being met.

Section 9.18- Outdoor Recreational Facilities {Commercial}

Commercially used outdoor recreational space such as children's amusement parks, carnivals, tumbling facilities, miniature golf, driving ranges, shall be subject to the following requirements:

- A. Children's amusement facilities must be fenced on all sides with a minimum four (4) foot high protective wall or fence.
- B. All manufacturers' specifications for safety are complied with as well as any additional safety measures that may be prescribed by the Planning Commission.
- C. When discontinued or abandoned, the site shall be left in a reusable condition, free of hazards related to dangerous structures, and from pits, pools, excavations, electric circuits and similar features.

Section 9.19 - Outdoor Sales Facilities

- A. Outdoor sales lots for automobile, trucks, motorcycles, all terrain vehicles, boats and marine craft, recreation vehicles, trailers, mobile homes, farm implements, contractor's equipment/vehicles, and similar units, for new and/or used units, are subject to the following:
1. Minimum lot shall be one (1) acre.
 2. Minimum lot width shall be two hundred (200) feet.
 3. No display shall be permitted in the right-of-way of any abutting road or highway.
 4. Existing roadside trees and shrubs shall be retained in a healthy growing condition to an extent determined by the Planning Commission to offer aesthetic value, contribute to shade, while offering reasonable visual access to the display lot.
 5. The use of racks, berms, platforms, or similar devices intended for the elevated display of units regulated herein shall be limited to not more than two (2), or one (1) per one hundred fifty (150) feet of display lot road frontage, whichever is greater and are subject to Planning Commission approval. No such display device shall elevate the underframe of a vehicle more than five (5) feet above the ground.
 6. All areas subject to vehicular use shall be paved with durable dust-free surfacing with appropriate bumper guards where needed.
 7. Display lot lighting shall comply with terms of **Section 3.30**, which apply whether or not the lighting is projected from buildings, private poles, or from utility company poles. i.e., as yard lights.
 8. The display of units regulated herein shall only be in areas indicated or designated on the site plan, and areas shall be differentiated on the site plan as to the display of new, used and/or inoperable units.

Section 9.20- Planned Unit Development (PUD)

- A. Purpose:** The Planned Unit Development (PUD) allows design and use flexibility on a given site while at the same time protecting present and future residents and public facilities from the adverse effects of unplanned or unregulated development. This approach allows the application to utilize innovative designs and methods to control the effects of development rather than having rigid numerical zoning standards dictate design parameters. The burden of establishing that a Planned Unit Development is within the parameters and intent of this Ordinance is completely upon the applicant. The Planning Commission shall determine whether the design contains sufficient safeguards as to make the effects of the development compatible with the intent of this Ordinance. It is the expressed intent of this section to allow such items as setbacks, yards, parking spaces, and type of dwelling unit and use to be regulated on an overall impact or gross development basis rather than individually for each lot, use or structure.
- B. Criteria.** Procedures set forth in this Section shall be followed and the design submitted for Planning Commission review and approval. Standards contained in **Articles 7 and 8** also apply.
- 1. Size.** A Planned Unit Development shall be of sufficient size to contain on the site both physically and aesthetically not only the development proposed but also any effects of such development that would ordinarily be apparent and different from the effects of permitted uses on the adjacent properties.
 - 2. Internal Design Standards.** A Planned Unit Development shall be designed so as to provide future users, residents, visitors, and public service personnel with adequate light, air, privacy, circulation patterns, park areas and public services.
 - 3. External Effects.** A Planned Unit Development shall be designed so as not to create any significant negative impact upon adjacent properties, residents, or public facilities.
- B. Approval Procedures.** Each of the following steps in the submittal process is mandatory and failure to complete any one will result in a suspension of the process until such time as the required information is submitted in accordance with the requirements of this Ordinance.
- 1. Pre-Application Meeting.** The procedure of application and approval of a PUD permit shall include one {1} or more informal conferences between the applicant and Zoning Administrator. The applicant shall inform the Zoning Administrator of the applicant's general intentions at this time.

The Zoning Administrator may request or recommend that the applicant request representatives from the relevant Township or County agencies (fire department, County Sheriff and other agencies) to attend such informal conferences. After consideration of comments from the pre-application meetings, the applicant shall prepare a preliminary plan.

2. **Preliminary Plan Submission Requirements.** Following the pre-application conference, the applicant may file a PUD application with the Zoning Administrator in order to receive a formal Planning Commission review of a Preliminary Planned Unit Development plan for the subject property. The applicant shall submit ten (10) copies of the Preliminary Planned Unit Development Plan with the PUD application, at least thirty (30) days prior to the date of the Planning Commission meeting at which a public hearing on the plan is to be scheduled. The Preliminary Planned Unit Development plan shall provide all the information specified under **Article 7**.
3. **Planned Unit Development Review Procedure.**
 - a. **Public Hearing.** The Planning Commission shall conduct a public hearing on the preliminary site plan in accordance with **Section 10.3** of this Ordinance.
 - b. **Preliminary Site Plan Approval/Action.** Following the public hearing, the Planning Commission shall recommend approval, disapproval or approval subject to specified conditions/revisions. Such recommendations shall be based on the standards listed in **Articles 7 and 8** of this Ordinance and **Section 9.20 (B)** above.

Once approved, the preliminary site plan shall be valid for a period of two (2) years. If a final site plan for the entire project or a phased portion thereof is not submitted within the two (2) year time period, the PUD and preliminary site plan shall become null and void. The Planning Commission may approve one (1) extension of up to two (2) years.
 - c. **Final Site Plan Approval.** Upon approval of the preliminary site plan by the Planning Commission, the applicant shall submit a final site plan of the entire PUD or phased portion thereof, along with evidence of the paid filing fee, to the Planning Commission for review and approval within the required time frame. The final submittal shall be prepared incorporating any changes specified as part of the preliminary approval. The Planning Commission shall conduct a public hearing in accordance with **Section 10.3** of this Ordinance. Following the public hearing, the Commission shall take action on the plan. If approved, with conditions, the approval shall indicate whether review and approval of any required modifications shall be made by the Planning Commission or by the Zoning Administrator. Planning Commission approval shall be

based on the review criteria listed in **Articles 7 and 8** of this Ordinance and **Section 9.20 (B)** above and a finding that the final site plan is consistent with the preliminary site plan approved by the Planning Commission, including any conditions or required modifications. An approved final site plan shall be valid for three (3) years, during which time all permits necessary for the construction of the approved development shall be obtained. Failure to do so shall require the resubmission of the previously approved final site plan to the Planning Commission for review and re-approval prior to the issuance of a Zoning Permit. The Planning Commission may reject or require modifications to the plan if in its opinion conditions on or off-site have changed in such a manner as to necessitate the rejection or modification.

- d. **Performance Guarantee.** To ensure compliance with the approved final site plan, the Township may require a performance guarantee as per **Section 10.7**.

- C. **Amendments to the Approved PUD. Minor** amendments to an approved PUD site plan may be approved administratively by the Zoning Administrator provided the changes comply with all applicable requirements of this Zoning Ordinance and all other Township regulations or State law. Minor amendments subject to administrative review are addressed in **Section 7.2 (H)**.

Major amendments to an approved PUD shall comply with the filing procedures for a PUD as contained herein. Major amendments include but are not limited to increase in density or number of dwelling units, increase in land area or building size, or addition of other uses not authorized by the original PUD approval. The Zoning Administrator shall determine if other similar changes constitute a major amendment.

Section 9.21- Secondary Dwelling Units

The purpose of this Section is to allow a minor amount of space on a lot or within a dwelling to be rented or leased as separate living quarters for extended family or non-family members in all residential neighborhoods within the Township. The following regulations shall apply:

- A. One (1) secondary dwelling unit is allowed per lot.
- B. The secondary dwelling unit may be rented or leased.
- C. The secondary unit shall not exceed six hundred (600) square feet, so that it remains an accessory use to the primary dwelling and does not result in the creation of a duplex or apartment building.

- D. The secondary unit shall be provided electricity, plumbing, and heat.
- E. The secondary unit shall not be located in the front yard.
- F. The secondary unit shall be a self-contained unit and may be located above a garage or may be attached to the primary dwelling or garage or located totally within a primary dwelling.
- G. The secondary unit shall have a separate exterior entrance which shall not be visible from the front yard.
- H. The residents of the primary structure shall maintain the secondary unit and shall ensure that no excessive noise, traffic, or blight occurs on the property.
- I. The secondary unit shall conform to the building code standards adopted by Alcona County.
- J. One and one-half (1-1/2) parking spaces shall be provided on-site for each dwelling unit.

Section 9.22- Sexually-Oriented Businesses

The purpose and intent of this Section of the Ordinance pertaining to the regulation of sexually-oriented businesses is to regulate the location and operation of, but not to exclude, sexually-oriented businesses within the Township, and to minimize their negative secondary effects. It is recognized that sexually-oriented businesses, because of their very nature, have serious objectionable operational characteristics which cause negative secondary effects upon nearby residential, educational, religious and other similar public and private uses. The regulation of sexually-oriented businesses is necessary to ensure that their negative secondary effects will not contribute to the blighting and downgrading of surrounding areas and will not negatively impact the health, safety and general welfare of Township residents. The provisions of this Ordinance are not intended to offend the guarantees of the First Amendment to the United

States Constitution or to deny adults access to sexually-oriented businesses and their products, or to deny sexually-oriented businesses access to their intended market. Neither is it the intent of this Ordinance to legitimize activities prohibited by Township ordinances, State or Federal Law. If any portion of this Ordinance relating to the regulation of sexually-oriented businesses or referenced in those sections is found to be invalid or unconstitutional by a court of competent jurisdiction, the Township intends said portion to be disregarded, reduced and/or revised so as to be recognized to the fullest extent possible by law. The Township further states that it would have passed and adopted what remains of any portion of this Ordinance relating to regulation of sexually-oriented businesses following the removal, reduction, or revision of any portion so found to be invalid or unconstitutional.

- A. No sexually-oriented business shall be established on a parcel within one thousand (1,000) feet of any residence, library, school, religious institution or public park.
- B. No sexually-oriented business shall be permitted in a location in which any principal or accessory structure, including signs, is within one thousand (1,000) feet of any principal or accessory structure of another sexually-oriented business.
- C. The proposed use shall conform to all specific density and setback regulations of the zoning district in which it is located.
- D. The proposed use must meet all applicable written and duly promulgated standards of the Township and other governments or government agencies having jurisdiction, and that to the extent required, the approval of these governments and/or governmental agencies has been obtained or is reasonably assured.
- E. The outdoor storage of garbage and refuse shall be contained, screened from view and located so as not to be visible from neighboring properties or adjacent roadways.
- F. Any sign or signs proposed for the sexually-oriented business must comply with the provisions of this Ordinance, and shall not otherwise include photographs, silhouettes, drawings, or pictorial representations of any type, or include animated or flashing illumination.
- G. Entrances to the proposed sexually-oriented business must be posted on both the exterior and interior walls in a location clearly visible to those entering and exiting the business, and using lettering no less than two (2) inches in height that: (1) "Persons under the age of 18 are not permitted to enter the premises," and (2) "No alcoholic beverages of any type are permitted within the premises unless specifically allowed pursuant to a license duly issued by the Michigan Liquor Control Commission."
- H. No product or service for sale or gift, or any picture or other representation of any product or service or gift, shall be displayed so as to be visible from the nearest adjoining roadway or a neighboring property.
- I. Hours of operation shall be limited to 7:00a.m. to 2:00a.m.
- J. Any booth, room, or cubicle available in any sexually-oriented business, excepting an adult motel, used by patrons for the viewing of any entertainment characterized by the showing of Specified Anatomical Areas or Specified Sexual Activities:
 - 1. Shall be handicap accessible to the extent required by the Americans With Disabilities Act;

2. Shall be unobstructed by any door, lock, or other entrance and exit control device;
3. Has at least one (1) side totally open to a public, lighted aisle so that there is an unobstructed view at all times from the adjoining aisle of any occupant;
4. Is illuminated such that a person of normal visual acuity looking into the booth, room or cubicle from its entrance adjoining the public lighted aisle can clearly determine the number of people within.
5. Has no holes or openings in any side or rear walls not relating to utility, ventilation or temperature control services or otherwise required by any governmental building code or authority.

Section 9.23 - Stables

- A. Structures used as stables shall not be located closer than sixty (60) feet to any property line or less than one hundred (100) feet from any residential dwelling.
- B. Animals shall be secured in a suitable fenced area surrounding or adjacent to said stable to preclude their approaching nearer than sixty (60) feet to any residential dwelling.
- C. Stable and corral facilities shall be constructed in such a way that dust, noise, odor and drainage problems will be minimized so as not to constitute a nuisance or hazard to premises on the same lot or adjacent properties.

Section 9.24 - Storage Uses

Storage uses, including mini-storage, shall meet the following regulations:

- A. All proposed storage buildings nearest to the primary access road shall be site planned to be perpendicular to the road; landscape screening may be required by the Planning Commission.
- B. Proposed storage buildings shall be positioned to the rear of other approved non-storage or non-warehousing buildings, e.g., retail or office uses, or the storage buildings are set back at least one hundred (100) feet from public road right-of-way lines.
- C. Nothing in this Section shall prohibit or inhibit storage space as a necessary accessory use to any principal commercial use of the property.

- D. The storage of any soil, fertilizer or similar loosely packaged materials shall be sufficiently contained to prevent any adverse effect upon adjacent properties.

Section 9.25 -Telecommunication Towers and Antenna Facilities/Alternative Tower Structures

- A. The intent of this Section is to establish general guidelines for the location of wireless telecommunication towers, alternative tower structures and antennas. The Township recognizes that it is in the public interest to permit the location of wireless telecommunication towers, alternative tower structures and antennas within the Township. It also recognizes the need to protect the scenic beauty of the Township from unnecessary and unreasonable visual interference, and that wireless telecommunication towers, alternative tower structures and antennas may have negative aesthetic impacts upon adjoining and neighboring uses. As such, this Ordinance seeks to:
 - 1. Protect residential areas from potential adverse impact of towers and antennas;
 - 2. Encourage the location of towers in nonresidential areas;
 - 3. Minimize the total number of towers throughout the community;
 - 4. Encourage the joint use of new and existing tower sites rather than the construction of additional towers.
 - 5. Encourage developers of towers and antennas to configure them in a way that minimizes their adverse visual impact;
 - 6. Enhance the ability of providers of telecommunication services to provide such services to the community quickly, effectively, and efficiently;
 - 7. Consider the public health and safety of telecommunication towers and alternative tower structures; and
 - 8. Avoid potential damage to adjacent property from tower failure.
- B. Antenna towers, masts, and alternative tower structures for cellular phone and other business communications services may be authorized as a Special Land Use by the Planning Commission. Antenna towers and masts erected and operated as a residential accessory use, and not more than fifty (50) feet in height as measured between the tower's base at grade and its highest point erected, are exempt from the provisions of this Section. In considering authorization of a Special

Land Use for a telecommunications tower] antenna facility] or alternative tower structure] the Planning Commission shall apply the standards of **Article 7, Article 8]** and the following standards:

1. **Ownership:** The applicant shall provide documentation to the Planning Commission that clearly establishes the legal ownership of the tower. The applicant] its agents] successors] and assigns shall report to the Planning Commission any changes in the legal ownership of the tower within thirty (30) days of the effective date of the change.
2. **Need:** The applicant shall provide documentation to the Planning Commission establishing the need for a new tower and analysis of alternative options] such as collocation of an existing tower or structure. The applicant shall provide evidence of feasibility of locating the antenna on an existing tower or other existing structure in the Township or in neighboring communities. The applicant must demonstrate that no existing tower or alternative tower structures can accommodate the applicant's needs. If such a tower or structure is in existence] said tower or structure shall be utilized.
3. **Visual Impact:** The application for special approval for the tower shall include a visual impact analysis] prepared by the applicant] which includes graphic depictions of the anticipated visual appearance of the tower from important vantage points in the surrounding area. Methods used in preparing the analysis shall be reviewed and approved by the Zoning Administrator.
4. **Size and Spacing:**
 - a. A cellular phone or other personal and business communications services antenna tower shall be exempt from building height limits established by zoning district regulations] provided that the tower height shall not exceed the minimum height necessary to serve its intended functions.
 - b. The tower and any ancillary building housing equipment needed for operation of the tower shall not exceed the floor area and height minimally necessary for such equipment] and shall be of a size] type] color] and exterior materials which are aesthetically and architecturally compatible with the surrounding area] and as minimally obtrusive as possible. Landscape screening may be required by the Planning Commission to accomplish screening of ancillary equipment buildings.
 - c. There shall be no less than three (3) miles between telecommunications towers in the Township.

5. **Lighting:** The applicant shall provide documentation of any lighting to be installed on the tower. If tower lighting is required or proposed, the tower may not be approved unless the Planning Commission determines that it will not have a significant adverse impact on properties and residents of the surrounding area.
 - a. The color and intensity of tower lighting required by the Federal Communications Commission (FCCL the Federal Aviation Administration (FAAL or the Michigan Aeronautics Commission (MAC) regulations shall be as unobtrusive as possible and must cause the least disturbance to the surrounding properties.
 - b. Lighting shall not be strobe lighting or other intermittent white lighting fixtures, unless expressly required by State or Federal regulations. Such intermittent lighting shall be alternated with steady red lights at night, if allowed by State or Federal regulations.
 - c. Lighting may consist of a red top light that does not pulsate or blink.
6. **Color:** Towers shall be painted so as to be as unobtrusive as possible. The painting of towers in alternate bands of color shall be permitted only if specifically required by the Federal Communications Commission (FCCL Federal Aviation Administration (FAAL or Michigan Aeronautics Commission (MAC) regulations. If alternate band painting is required by FCC, FAA, or MAC regulations, the applicant shall provide documentation of such requirements and regulations.
7. **Height Decrease:** If the height required for the tower to serve its intended function decreases from the installed height due to technological advancement, additional tower installations at other locations, or other factors, the Township may order that the tower be lowered to such decreased minimum height.
8. **Signs:** No signs other than signs required pursuant to Federal, State, or local law and this Ordinance shall be allowed on an antenna or tower or site.
9. **Cable and Anchor Setbacks:** Guy cables and anchors shall comply with applicable zoning district setback regulations.
10. **Setback from Dwellings:** The tower and any supporting or appurtenant structures shall be no closer to any dwelling than the distance equal to one and one half (1.5) times the height of the tower measured from its base at grade to its highest point of elevation.

11. **Setback from Property line:** The tower shall be set back no less than the distance equal to the height of the tower measured from the base of the tower to all points on each property line.
12. **FCC/FAA/Other Regulations:** The applicant shall provide documentation of conformance with any Federal Communications Commission, Federal Aviation Administration, or Michigan Aeronautics Commission regulations. The tower shall comply with the Michigan Tall Structures Act (Public Act 269 of 1959, as amended).
13. **Use:** The owner/operator of the tower shall agree to permit use of the tower by other personal or business communications services providers, including local government agencies, on reasonable terms, so long as such use does not interfere with the reasonable use of the tower by the owner/operator.
- 14. **Performance Guarantee:** As a condition of approval, the Planning Commission may require an owner to deposit funds for a performance guarantee to assure the removal of towers and masts as prescribed in this Section. If required, such performance guarantee shall be in an amount equal to the estimated cost of removal of the tower at the time of approval. Such escrow deposit or bond shall be maintained by successor owners.
15. **Cease of Operations/Abandonment:** If the tower ceases operation for its original use or is abandoned for any reason, the Township may order its removal from the site by the owner of the tower within six (6) months of notification by the Township. If the cost exceeds the amount held in escrow, the current owner shall be responsible for additional costs.
16. **ZBA:** The Zoning Board of Appeals shall have no jurisdiction over a decision made by the Planning Commission to approve, approve with conditions, or deny an application for Special Land Use approval to erect and maintain cellular phone and other personal and business communications antenna towers.
17. **Antenna Collocation on an Existing Tower or Structure:**
 - a. No antenna or similar sending/receiving devices appended to a tower, following its approved construction, shall be permitted if it exceeds the engineered design capacity of the tower thereby jeopardizing the tower's structural integrity.
 - b. The installation and/or operation of the above mentioned, antennas or facilities shall not interfere with normal radio/television reception in the area. In the event interference occurs, it shall be the sole responsibility of the owner to rectify the situation with the parties involved.

- c. No antenna or similar sending and receiving devices appended to the tower or structure shall increase the overall height of the tower or structure by more than ten (10) feet.

Section 9.26 - Wireless Communications Equipment

- A. Wireless communications equipment is a permitted use of property and is not subject to special land use approval or any other approval under this Zoning Ordinance if **ALL** of the following requirements are met:
 - 1. Wireless communications equipment will be collocated on an existing wireless support structure or in an existing equipment compound.
 - 2. The existing wireless communications support structure or existing equipment compound is in compliance with the Zoning Ordinance or was approved by the Planning Commission.
 - 3. The proposed collocation will not do any of the following:
 - a. Increase the overall height of the wireless communications support structure by more than twenty (20) feet or ten (10%) percent of its original height, whichever is greater.
 - b. Increase width of the wireless communications support structure by more than the minimum necessary to permit collocation.
 - c. Increase the area of the existing equipment compound to greater than 2,500 square feet.
 - 4. The proposed collocation complies with terms and conditions of any previous final approval of the wireless communications support structure or equipment compound by the Planning Commission.
- B. Wireless communications equipment that meets the requirements of **Section {A}(I) and {2}** but does not meet the requirements of **Section A{3} or {4}** is a permitted use of property if it receives special land use approval under **Section C thru F**.
- C. An application for Special Land Use approval of wireless communications equipment described in **Section B** shall include all of the following:
 - 1. A site plan as required under **Section 7.2**.

2. Any additional relevant information that is specifically required by a Zoning Ordinance provision described in **Article 8** and **Article 10**.
- D. After an application for a Special Land Use approval is filed with the Zoning Administrator, the Planning Commission shall determine whether the application is administratively complete. Unless the Planning Commission proceeds as provided under **Section E**, the application shall be considered to be administratively complete when the Planning Commission makes that determination or fourteen (14) business days after the Planning Commission received the application, whichever is first.
 - E. If, before the expiration of the fourteen (14) day period under **Section D**, the Planning Commission notifies the applicant that the application is **not** administratively complete, specifying the information necessary to make the application administratively complete, or notifies the applicant that a fee required to accompany the application has not been paid, specifying the amount due, the running of the fourteen (14) day period under **Section D** is tolled (suspended) until the applicant submits to the Planning Commission the specified information or to the Zoning Administrator the fee amount due. The notice shall be given in **writing** or by **electronic notification**. A fee required to accompany the application shall not exceed the Township's actual, reasonable costs to review and process the application or one thousand (\$1,000.00), whichever is less.
 - F. The Planning Commission shall approve or deny the application for Special Land Use not more than sixty (60) days after the application is considered to be administratively complete. If the Planning Commission fails to timely approve or deny the application, the application shall be considered approved and the Planning Commission shall be considered to have made any determination required for approval.
 - G. Special land use approval of wireless communications equipment described in **Section B** may be made expressly conditional only on the wireless communications equipment's meeting the requirements of the Zoning Ordinance and of Federal and State laws before the wireless communications equipment begins operation.
 - H. If the Township requires Special Land Use approval for wireless communications equipment that does not meet the requirements of **Section A(I)** or for a wireless communications support structure, **Sections D thru F** apply to the Special Land Use approval process, except that the period for approval or denial under **Section F** is ninety (90) days.

Section 9.27 - Wind Energy Systems

This Section includes regulations for small on-site wind energy conversion systems (residential, commercial, and agricultural) and commercial wind energy systems. Anemometer towers may be constructed by commercial enterprises to evaluate wind conditions prior to the construction

of commercial wind turbines or other devices. Most wind energy conversion systems currently are wind turbines.

The following site development standards shall apply to all wind energy system and anemometer tower (AT) installations in the Township.

- A. **Small On-Site Wind Energy Systems:** A wind energy conversion system which is intended to primarily serve the needs of the property upon which it is located shall be considered an accessory structure and shall be permitted by right.
1. Small On-Site Wind Energy Systems must be professionally designed and installed.
 2. **Tower Height:** The tower height shall be limited to one-hundred fifty (150) feet.

In the case of roof-mounted wind energy systems, the height of the tower shall be measured from the ground.
 3. **Blade Clearance:** There shall be a minimum vertical blade tip clearance from the ground of twenty (20) feet.
 4. **Guy Wires:** If the small wind energy system is supported by guy wires, such wires shall be visible to a height of at least six (6) feet above the ground.
 5. **Setbacks:** Each small wind energy system shall be set back from an adjoining lot line or a public or private road right-of-way a distance equal to the total height of the wind turbine generator. The Planning Commission may reduce the setback if the neighboring property is under the same ownership or based on other factors such as topography specific to the site. No part of the wind turbine generator, including guy wire anchors, may extend closer to the property line than the required setback for the district in which the unit is located.
 - a. **Waterfront Property:** Wind energy systems are not permitted within the waterfront setback and must meet the side yard setbacks equal to the total height of the wind turbine generator.
 6. **Visual Impact:** Wind turbine towers, rotating blades or mechanisms, and building surfaces shall be a non-reflective, non-obtrusive neutral color. The appearance of turbines, towers, and buildings shall be maintained throughout the life of the system.
 7. **Noise:** Small wind energy systems shall not cause a sound pressure level in excess of fifty-five (55) dB(A) or in excess of five (5) dB(A) above the background noise, whichever is greater, as measured at the nearest property line. This level

may be exceeded during short-term events such as utility outages and severe wind storms.

8. **Vibration:** Small wind energy systems shall not cause vibrations through the ground which are perceptible beyond the property line of the parcel on which it is located.
9. **Reception Interference:** Small wind energy systems shall not cause interference with television, microwave, navigational or radio reception to neighboring areas.
10. **Shadow Flicker:** Small wind energy systems shall not cause shadow flicker upon any structure on a neighboring property.
11. **Potential Ice Throw:** The potential ice throw or ice shedding for the wind turbine generator shall not cross the property lines of the site nor impinge on any right-of-way or overhead utility line.
12. **Safety:** A small on-site wind energy system shall have an automatic system to prevent uncontrolled rotation.
13. **Other Regulations:** On-site use wind energy systems shall comply with all applicable State construction and electrical codes, Federal Aviation Administration requirements, Michigan Aeronautics Commission requirements, the Michigan Tall Structures Act (Public Act 259 of 1959, as amended), and the Michigan Public Service Commission and Federal Energy Regulatory Commission standards.

B. Commercial Wind Energy Facilities and Anemometer Towers: Anemometer towers and wind energy facilities consisting of one (1) or more wind turbines whose main purpose is to supply electricity to off-site customers shall be allowed as a Special Land Use and shall adhere to the following requirements in addition to the requirements contained in **Articles 7 and 8.**

1. **Principal or Accessory Use:** A wind energy facility or anemometer tower may be considered either a principal or an accessory use. A different existing use or an existing structure on the same parcel shall not preclude the installation of a wind energy facility or a part of such facility on such parcel. Wind energy facilities that are constructed and installed in accordance with the provisions of this Article shall not be deemed to constitute the expansion of a nonconforming use or structure.
2. **Sufficient Wind Resources:** The proposed site shall have documented annual wind resources sufficient for the operation of the proposed wind turbine generator; provided, however, this standard shall not apply to an anemometer

tower. No wind turbine generator shall be approved without submission of a wind resource study documenting wind resources on the site over a minimum of one (1) year. Said study shall indicate the long term commercial economic viability of the project. The Township may retain the services of an independent, recognized expert to review the results of the wind resource study prior to acting on the application for special approval.

3. **Minimum Site Area:** The minimum site area for a wind turbine generator or an anemometer tower erected prior to a wind turbine generator shall be as necessary to meet required wind energy setbacks and any other standards of this Article.
4. **Setbacks:** Each proposed wind turbine generator or anemometer tower shall meet the following applicable setback requirements:
 - a. **Setback from Property Line:** Each wind turbine generator shall be set back from any adjoining lot line a distance not less than one and one-half (1-1/2) times the total height of the wind turbine generator including the top of the blade in its vertical position. The Planning Commission may reduce this setback to no less than one hundred (100) feet; provided the adjoining property is owned or leased by the applicant or an easement is obtained. If the adjoining property that is owned or leased by the applicant includes more than one (1) parcel, the properties may be considered in combination in determining setback relief. The amount of setback relief approved by the Planning Commission will be based on data provided by the applicant and prepared by a qualified professional. Such data shall satisfy the Planning Commission that any potential blade and ice throw will not cross the property line and that sound levels will not exceed fifty-five (55) decibels on the dB(A) scale at the property line from the proposed setback. Data provided shall be specific to the proposed tower in the proposed location taking into consideration prevailing winds, topography, existing vegetation, and other relevant factors.
 - b. **Setback from Road:** In addition to the above, a wind turbine generator shall, in all cases, be set back from a public or private road right-of-way a minimum distance equal to the height of the wind turbine generator total height as defined in the Ordinance.
 - c. **Setback from Structures:** Each wind turbine generator shall be set back from the nearest structure a distance not less than one and one-half (1-1/2) times the total height of the wind turbine generator and for inhabited structures a distance not less than one-half (1/2) mile.

- d. **Setback from Communication and Power lines:** Each wind turbine shall be set back from the nearest above-ground public electric power line or telephone line a distance of not less than four hundred (400) feet or one and one-half (1-1/2) times the total tower height, whichever is greater, determined from the existing power or communications lines.
 - e. **Building Setbacks:** Setbacks for buildings accessory to a wind turbine generator shall conform to the setbacks of the zoning district.
5. **Maximum Height:** The maximum wind turbine generator height or the height of an anemometer tower erected prior to the wind turbine generator shall be determined on a case by case basis. The applicant shall demonstrate compliance with the Michigan Tall Structures Act (Public Act 259 of 1959, as amended), FAA guidelines, and Michigan Aeronautics Commission guidelines as part of the approval process.

The Planning Commission may approve an increased height for a wind turbine generator tower or an anemometer tower if the increased height will result in the preservation of a substantial stand of trees, existing land forms or structures that would otherwise be removed to increase wind velocity.

The increased height shall not result in increased intensity of lighting of the tower due to Federal Aviation Administration (FAA) or Michigan Aeronautics Commission (MAC) requirements.

6. **Tower Separation:** Wind turbine separation distance shall be based on 1) industry standards, 2) manufacturer recommendation, and 3) the characteristics (prevailing wind, topography, etc.) of the particular site location. At a minimum, there shall be a separation between the owners of not less than three (3) times the turbine rotor diameter. Documents shall be submitted by the developer/manufacturer confirming specifications for tower separation.
7. **Minimum Ground Clearance:** The lowest point of the arc created by rotating wind vanes or blades on a wind turbine generator shall be no less than twenty (20) feet.
8. **Maximum Noise Levels:** The sound pressure level generated by the wind energy system shall not exceed fifty-five (55) dB(A) measured at neighboring property liens. If the ambient sound pressure level exceeds fifty-five (55) dB(A), the standard shall be ambient plus five (5) dB(A).
9. **Maximum Vibrations;** Any proposed wind turbine generator shall not produce vibrations through the ground humanly perceptible beyond the parcel on which it is located.

10. **Potential Ice Throw:** The potential ice throw or ice shedding for the wind turbine generator shall not cross the property lines of the site nor impinge on any right-of-way or overhead utility line.
11. **Signal Interference:** No wind turbine generator shall be installed in any location where its proximity with existing fixed broadcast, retransmission, or reception antennas for radio, television, navigation, wireless phone or other personal communication systems would produce electromagnetic interference with signal transmission or reception. No wind turbine generator shall be installed in any location along the major axis of an existing microwave communications link where its operation is likely to produce electromagnetic interference with the link's operation.
12. **Visual Impact, Lighting, Power Lines:**
 - a. Wind turbines shall be mounted on tubular towers, painted a non-reflective, non-obtrusive neutral color. The appearance of turbines, towers, and buildings shall be maintained throughout the life of the wind energy facility pursuant to industry standards (i.e., condition of exterior paint, signs, landscaping). A certified registered engineer and authorized factory representative shall certify that the construction and installation of the wind energy facility meets or exceeds the manufacturer's construction and installation standards.
 - b. The design of the wind energy facility's buildings and related structures shall, to the extent reasonably possible, use materials, colors, textures, screening, and landscaping that will blend facility components with the natural setting and the environment existing at the time of installation.
 - c. Wind turbine generators shall not be artificially lighted, except to the extent required by the FAA or MAC or other applicable authority, or otherwise necessary for the reasonable safety and security thereof. If lighting is required, the lighting alternatives and design chosen:
 - (1) Shall be intensity required under State or Federal regulations.
 - (2) Shall not be strobe lighting or other intermittent white lighting fixtures, unless expressly required by State or Federal regulations. Such intermittent lighting shall be alternated with steady red lights at night if allowed by State or Federal regulations.
 - (3) May be a red top light that does not pulsate or blink.

- (4) All tower lighting required by State or Federal regulations shall be shielded to the extent possible to reduce glare and visibility from the ground.
- d. Wind turbines shall not be used to display any advertising except the reasonable identification of the manufacturer or operator of the wind energy facility.
- e. The electrical collection system shall be placed underground within the interior of each parcel at a depth designed to accommodate the existing agricultural land to the maximum extent practicable. The collection system may be placed overhead adjacent to State and County roadways, near substations or points of interconnection to the electric grid or in other areas as necessary.
- f. Wind energy power transmission lines located within Wind Energy Resource Zones for which an Expedited Siting Certificate is issued by order of the Michigan Public Service Commission under Public Act 295 of 2008 are exempt from local zoning regulations.

13. **Shadow Flicker:**

- a. The wind turbine generator shall be designed in such a manner as to minimize shadow flicker on a roadway. The wind turbine generator shall be designed in such a manner as to prevent shadow flicker on any existing structures located off the property on which the wind turbine generator is located. If necessary to prevent shadow flicker from crossing occupied structures, the wind turbine generator may be programmed to stop rotating during times when the wind turbine generator shadow crosses these structures. The wind turbine generator operator may obtain written agreements which allow shadow flicker to cross an occupied structure.
- b. The Planning Commission may require the applicant to conduct an analysis of potential shadow flicker at occupied structures if it deems such an analysis necessary. The analysis shall identify the locations of shadow flicker that may be caused by the project and the expected durations of the flicker at these locations from sunrise to sunset over the course of a year. The analysis shall identify problem areas where shadow flicker may affect the occupants of the structures and describe measures that shall be taken to eliminate or mitigate the problems.

14. **Safety:**
- a. All collection system wiring shall comply with all applicable safety and stray voltage standards.
 - b. Wind turbine towers shall not be climbable up to fifteen (15) feet above the ground surface.
 - c. All access doors to wind turbine towers and electrical equipment shall be lockable.
 - d. Visible, reflective, colored objects, such as flags, reflectors, or tape shall be placed on the anchor points of guy wires and along the guy wires up to a height of ten (10) feet above the ground.
 - e. Appropriate warning signs shall be placed on wind turbine towers, electrical equipment, and facility entrances.
 - f. All wind turbine generators shall be equipped with controls to control the rotational speed of the blades within design limits for the specific wind turbine generator.
15. **State or Federal Requirements:** Any proposed wind turbine generator anemometer tower shall meet or exceed any standards and regulations of the Federal Aviation Administration (FAA), the Michigan Aeronautics Commission (MAC), the Michigan Public Service Commission, National Electric Safety Code, Federal Energy Regulatory Commission, and any other agency of the State or Federal Government with the authority to regulate wind turbine generators or other tall structures in effect at the time the Special Land Use permit is approved.
16. **Hazard Planning:** An application for a wind turbine generator shall be accompanied by a hazard prevention plan. Such plan shall contain:
- a. Certification that the electrical wiring between turbines and between turbines and the utility right-of-way does not pose any hazard.
 - b. Location of landscaping to be designed to avoid spread of fire from any source on the turbine; such preventative measures may address the types and locations of vegetation below the turbine and on the site.
 - c. A listing of any hazardous fluids that may be used on site shall be provided, including Material Data Safety Sheets (MSDS).

- d. Certification that the turbine has been designed to contain any hazardous fluids shall be provided.
 - e. A statement certifying that the turbine shall be routinely inspected to ensure that no fluids are released from the turbine.
17. **Approvals:** All required approvals from other local, regional, State or Federal agencies must be obtained prior to approval of a site plan. In the case where site plan approval is a requirement for other local, regional, State, or Federal agency approval, evidence of such shall be submitted with the site plan.
18. **Removal of Wind Turbine Generators:**
- a. The applicant shall submit a decommissioning plan. The plan shall include:
 - (1) The anticipated life of the project.
 - (2) The estimated decommissioning costs in current dollars. Such costs shall not include credit for salvageable value of any materials.
 - (3) The method of ensuring that funds will be available for decommissioning and restoration.
 - (4) The anticipated manner in which the project will be decommissioned and the site restored.
 - b. Any wind turbine generator or anemometer tower that is inoperational for a continuous period of twelve (12) months shall be considered abandoned, and the owner of such wind turbine generator or anemometer tower shall remove the same within one hundred eighty (180) days of abandonment. Failure to remove an abandoned wind turbine generator or anemometer tower with the one hundred eighty (180) day period provided in this subsection shall be grounds for the Township to remove the wind turbine generator or anemometer tower at the owner's expense.
 - c. In addition to removing the wind turbine generator, or anemometer tower, the owner shall restore the site of the wind turbine generator or anemometer tower to its original condition prior to location of the wind turbine generator or anemometer tower, subject to reasonable wear and tear. Any foundation associated with a wind generator or anemometer

tower shall be removed to a minimum depth of five (5) feet below the final grade and site vegetation shall be restored.

- d. The Planning Commission may require the owner of the wind turbine generator to deposit a performance guarantee in an amount equal to the estimated costs associated with the removal of the wind turbine generator or anemometer tower and all associated equipment and accessory structures and restoration of the site to a reusable condition which shall include the removal of all underground structures to a depth of five (5) feet below the natural ground level at that location. The amount of the performance guarantee shall be reviewed every five (5) years. The amount of the performance guarantee shall be increased based on an inflation rate equal to the average of the previous ten (10) years Consumer Price Index (CPI).

- 19. **Equipment Replacement:** Major components of the wind turbine generator may be replaced without a modification of the Special Land Use permit provided all regulations contained herein are adhered to.

Section 9.28 - Gas and Oil Processing Facilities

Gas and oil processing facilities shall comply with all State and local codes and regulations.

Section 9.29 - Medical Marijuana Businesses

If allowed by State law, a Medical Marijuana business and/or a related business shall not be established on a property within one thousand (1,000) feet of any residence, library, school, religious institution or public park.

ARTICLE 10
ADMINISTRATION AND ENFORCEMENT OF ORDINANCE

Section 10.0- Zoning Administrator

- A. The provisions of this Ordinance shall be administered in accordance with the Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended.
- B. The provisions of this Ordinance shall be administered and enforced by the Township Zoning Administrator, appointed by the Township Board of Trustees for such term and subject to such conditions and at such rate or compensation as said Board shall determine is reasonable. The Zoning Administrator shall have the power of a police officer in the enforcement of this Ordinance. The Zoning Administrator may be assisted by any other Township employees and officials as the Township Board may delegate to enforce the provisions of this Ordinance. The duty of enforcement thereof shall rest with such administrative officials as shall be authorized therein by law, and such administrative officials shall, for the purpose of this Ordinance, have the power of public officers.
- C. The Zoning Administrator shall have the power to grant Zoning Permits and to make inspections of buildings or premises necessary to carry out his/her duties in the enforcement of this Ordinance. The Zoning Administrator shall not approve any plans or issue any Permits for excavation or construction until such plans have been inspected in detail and found to conform to this Ordinance.
- D. The Zoning Administrator shall under no circumstances be permitted to make changes to this Ordinance or to vary the terms of this Ordinance in carrying out the duties of Zoning Administrator.
- E. The Zoning Administrator shall not refuse to issue a Permit when conditions imposed by this Ordinance are complied with by the applicant despite violations of contracts, such as covenants or private agreements, which may occur upon the granting of said Permit.

Section 10.1- Zoning Permit

- A. No building or structure shall hereafter be erected, structurally altered, reconstructed, used, or moved, nor shall any use subject to the provisions of this Ordinance be commenced until a Zoning Permit application has been filed with the Zoning Administrator and a Zoning Permit has been issued by the Zoning Administrator, except as otherwise provided for in this Ordinance. No permit shall be issued except in strict

conformity with the provisions of this Ordinance unless the Zoning Administrator receives a **written** order from the Zoning Board of Appeals. No Zoning Permit shall be required for any lawful use of any building or structure in existence as of the adoption date of this Ordinance. Exempted from the permit requirements are exterior alterations and ordinary maintenance repairs that do not require a building, mechanical, electrical or plumbing permit.

- B. The application shall be signed by the owner of the premises or his/her agent and shall certify that all provisions of this Ordinance and other applicable laws and requirements are to be complied with. Any application requiring approval from the Planning Commission must be submitted not less than thirty (30) days prior to a scheduled meeting for consideration at that Planning Commission meeting. The application shall be accompanied by:
1. A site plan or plot plan in duplicate, in a scale sufficient to clearly detail and which contains all of the information required in **Article 7**.
 2. Properties smaller than two (2) acres in size may be required to submit a legal survey, sealed by a professional surveyor (not a mortgage survey). The Zoning Administrator shall have the authority to require such a survey in the cases where there may be encroachment on the setbacks by the proposed structures or when the exact locations of lot lines are not known.
 3. Copies of permits or waivers of permits by other agencies as may be required by statute and/or by the Zoning Administrator. If copies of permits or waivers of permits cannot be obtained, then the applicant shall show evidence that all permits required by other agencies have been filed for.
 4. Such other information as may be required to determine compliance with this Ordinance.
- C. One copy of the application shall be returned to the applicant by the Zoning Administrator, after he/she shall have marked such copy either as approved or disapproved and attested to same by his/her signature on such copy. The original and one copy of the application, similarly marked, shall be retained by the Zoning Administrator, maintained on file and available to the public for inspection upon request during normal business hours. In all cases when the Zoning Administrator shall refuse to issue a permit, he/she shall state such refusal in **writing** with the cause and reasons for said refusal.
- D. A Zoning Permit shall not be issued until all other necessary permits required by statute have been obtained or waived with exception of those permits which are contingent upon the issuance of a Zoning Permit.

- E. The location of the property boundaries and all structures shall be staked on the ground for the Zoning Administrator's use prior to the issuance of the Zoning Permit. The Zoning Administrator has the right to waive this requirement if the staking out of boundary lines is not pertinent to the issuance of the Zoning Permit.
- F. The Zoning Permit will expire after one (1) year from date of issuance for any Zoning Permit under which no construction has occurred or no substantial construction has been done in the furtherance of the Zoning Permit. Said permit shall be canceled by the Zoning Administrator and **written** notice thereof shall be given to the person(s) affected. Said notice shall state that work as described in the canceled permit shall not proceed until a new permit has been obtained.
- G. The Zoning Administrator shall have the power to revoke or cancel any Zoning Permit in case of failure or neglect to comply with the provisions of the Ordinance, or in the case of a false statement or misrepresentation made in the application. The owner shall be notified of such revocation in **writing** and sent by Certified mail.
- H. No Zoning Permit shall be valid until the required fees have been paid. No separate fee shall be required for accessory buildings or structures when application thereof is made at the same time as the principal building or structure. Applications and petitions filed pursuant to the provisions of this Ordinance shall be accompanied by the filing fees as specified by the Township Board.
- I. Upon issuance of the Zoning Permit, a copy of the permit and the application, including any drawings shall be transmitted to the Township Assessor.
- J. Conformance with Approved Plans: Permits issued on the basis of plans and applications approved by the Zoning Administrator authorize only the use, arrangement and construction set forth in such approved plans and applications. Any other use, arrangement or construction at variance with that authorized shall be deemed a violation of this Ordinance.

Section 10.2 - Conditions

The Planning Commission and the Zoning Board of Appeals may attach reasonable conditions on discretionary zoning decisions under its respective jurisdiction. These conditions may include those necessary to insure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity, to protect the natural environment and conserve natural resources and energy, to insure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner. Any conditions imposed, however, shall meet all of the following requirements:

- A. Be designed to protect natural resources and the health, safety, welfare, social and economic well being of those who will use the land use or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity, and the community as a whole.
- B. Be related to the valid exercise of the police power and purposes which are affected by the proposed use or activity.
- C. Be necessary to meet the intent and purpose of the Zoning Ordinance, be related to the standards established in the Ordinance for the land use or activity under consideration, and be necessary to insure compliance with those standards.

Section 10.3 - Public Notification

All applications for development approval requiring a public hearing shall comply with the Michigan Zoning Enabling Act, Public Act 110 of 2006, and the other provisions of this Section with regard to public notification.

- A. **Published Notice:** When the provisions of this Ordinance or the Michigan Zoning Enabling Act require that notice be published, the Township Clerk, or designee, shall be responsible for preparing the content of the notice, 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 the nature of the request: Identify whether the request is for rezoning, text amendment, Special Land Use, planned unit development, variance, appeal, Ordinance interpretation or other purpose.
 2. Location: Indicate the property that is subject to the request. The notice shall include a listing of all existing street addresses within the subject property. Street addresses do not need to be created and listed if no such addresses currently exist within the property. If there are no street addresses, other means of identification may be used such as a tax parcel identification number, identification of the nearest cross street, or the inclusion of a map showing the location of the property. No street addresses must be listed when eleven (11) or more adjacent properties are proposed for rezoning, or when the request is for an Ordinance interpretation not involving a specific property.
 3. When and where the request will be considered: indicate the date, time and place of the public hearing(s).

4. Written comments: Include a statement describing when and where written comments will be received concerning the request. Include a statement that the public may appear at the public hearing in person or by counsel.
5. Disabled access: Information concerning how disabled access will be accommodated if the meeting facility is not disabled accessible.

C. 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 the 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, notice shall be given 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 the occupant is located within the Township. 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 10.4**.
 - d. Other governmental units or infrastructure agencies within one (1) mile of the property involved.
2. **Notice Deemed Given:** Notice shall be deemed given when personally delivered or by its deposit in the United States mail, first class, properly addressed, postage paid. The Planning Commission Secretary shall prepare a list of property

registrants to whom notice was mailed, as well as of anyone to whom personal notice was delivered. owners and

- D. **Timing of Notice:** Unless otherwise provided in the Michigan Zoning Enabling Act, Public Act 110 of 2006, or this Ordinance where applicable, notice of a public hearing shall be provided as follows:
1. For a public hearing on an application for 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.

Section 10.4 - Registration to Receive Notice by Mail

- A. **General:** Any neighborhood organization, public utility company, railroad or any other person may register with the Township Clerk to receive written notice of all applications for development approval pursuant to **Section 10.3 (C)(l)(c)** or written notice of all applications for development approval within the zoning district in which they are located. The Township Clerk shall be responsible for providing this notification, as established by the Township Board.
- B. **Requirements:** The requesting party must provide the Township Clerk information on an official form to ensure notification can be made. All registered persons must register annually to continue to receive notification pursuant to this section.

Section 10.5 - Rehearing Process

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

3. The Township Attorney by written opinion states that in the attorney's professional opinion the decision made by the Planning Commission or Zoning Board of Appeals or the procedure used in the matter was clearly erroneous.

B. **Rehearing Procedure:** A rehearing may be requested by the applicant or by the Zoning Administrator, or a rehearing may be granted by the Planning Commission or Zoning Board of Appeals on its own motion.

1. A request for a rehearing which is made by an applicant must be made within twenty-one (21) days from the date of approval of the Planning Commission's or Zoning Board of Appeals' minutes regarding the decision for which the rehearing is being requested.

2. A request for a rehearing made by the Zoning Administrator or a rehearing granted by the Planning Commission or Zoning board of Appeals on its own motion may be granted at any time as long as the applicant has not been prejudiced by any delay.

3. Whenever the Planning commission or Zoning Board of Appeals considers granting a rehearing, it shall provide **written** notice to the applicant that a rehearing will be considered. The notice may be served upon the applicant by first class mail at the applicant's last known address or may be served personally on the applicant. The notice must be served at least nine (9) days before the time set for the hearing if served by mail, or at least seven (7) days before the time set for the hearing if served by personal service. Service by mail shall be complete upon mailing. In addition to serving the above notice on the applicant, all other notice requirements for the type of decision being heard shall be completed before the Planning Commission or Zoning Board of Appeals holds a hearing at which it considers whether to grant a rehearing.

4. If the Planning Commission or Zoning Board of Appeals grants a rehearing, then the rehearing shall not be held until all notice requirements for the type of decision being reheard have been satisfied.

Section 10.6 - Fees

A. To assist in defraying the costs of investigating, reviewing, and administering zoning applications, appeals, rezoning requests from individual property owners, and other types of decisions which result in extra costs to the Township, the Township Board may from time to time adopt by resolution a fee schedule establishing basic zoning fees, such as those fees related to the following:

1. Zoning Permits.

2. Special Land Use Permits.
 3. Ordinance interpretations by the Zoning Board of Appeals including appeals of administrative decisions or request for interpretation. Appeals and requests for interpretation initiated by the Township Board, the Planning Commission or the Zoning Administrator shall not be subject to a zoning fee.
 4. Requests for variances from the Zoning Board or Appeals.
 5. Requests for rezoning of property by individual property owners or amendments to the Zoning Ordinance text. Rezoning of property or text amendments initiated by the Township Board, the Planning Commission or the Zoning Administrator shall not be subject to a zoning fee.
 6. Site Plan Reviews.
 7. Requests by the applicant for a special meeting of the Planning Commission.
 8. Any other discretionary decisions by the Planning Commission or Zoning Board of Appeals.
 9. Wireless communications equipment applications.
- B. The amount of these zoning fees shall cover the costs associated with the review of the application or appeal, including but not limited to the costs associated with conducting public hearings, publishing notices in the newspaper, sending required notices to property owners, postage, photocopying, mileage, time spent by Township staff, and per diem paid to the members of the Planning Commission and/or Zoning Board of Appeals. The basic zoning fees shall be paid before any application required under this Ordinance is processed. The basic zoning fees are non-refundable, even when an application or appeal is withdrawn by the applicant.
- C. If the Planning Commission or Zoning Board of Appeals determines that the basic zoning fees will not cover the actual costs of the application review or appeal, or if the Planning Commission or Zoning Board of Appeals determines that review of the application and/or participation in the review process or appeal by qualified professional planners, engineers, attorneys, or other professionals is necessary or advisable, then the applicant shall deposit with the Township Treasurer such additional zoning fees in an amount determined by the Planning Commission or Zoning Board of Appeals equal to the estimated additional costs. The additional zoning fees shall be held in escrow in the applicant's name and shall be used solely to pay these additional costs. If the amount held in escrow becomes less than ten percent (10%) of the initial escrow deposit or less than ten percent (10%) of the latest additional escrow deposit and review of the application or decision on the appeal is not completed, then the Planning Commission

or Zoning Board of Appeals may require the applicant to deposit additional fees into escrow in an amount determined by the Planning Commission or Zoning Board of Appeals to be equal to the estimated costs to complete the review or decide the appeal. Failure of the applicant to make any escrow deposit required under this Ordinance shall be deemed to make the application incomplete thereby justifying the denial of the application. Any unexpended funds held in escrow shall be returned to the applicant following final action on the application or the final decision on the appeal. Any actual costs incurred by the Township in excess of the amount held in escrow shall be billed to the applicant and shall be paid by the applicant prior to the issuance of any permit or the release of a final decision.

Section 10.7 - Performance Guarantee

In connection with the construction of improvements through site plan approval Special Land Use approval, or a PUD project, the Planning Commission may require the applicant to furnish the Township with a performance guarantee in the form of a cash deposit, certified check, irrevocable bank letter of credit, or surety bond acceptable to the Township in an amount equal to the estimated costs associated with the construction of public and site improvements. Public improvements mean, by way of example and not limitation, roads, parking *lots*, and water and sewer systems which are located within the development or which the applicant has agreed to construct even though located outside the development. Site improvements mean landscaping, buffering, and the completion of conditions imposed by the Planning Commission which are located within the development. For purposes of this Section, the costs covered by the performance guarantee shall include all of the following: (1) the purchase, construction, and/or installation of the improvements, (2) architectural and engineering design and testing fees and related professional costs, and (3) an amount for contingencies consistent with generally accepted engineering and/or planning practice. The performance guarantee shall be deposited with the Township Clerk at or before the time the Township issues the permit authorizing the development, or if the development has been approved in phases, then the performance guarantee shall be deposited with the Township Clerk prior to the commencement of construction of a new phase. The performance guarantee shall ensure completion of the public and site improvements in accordance with the plans approved by the Planning Commission. Any cash deposit or certified funds shall be refunded for the development of each phase of a multi-phase development in the following manner:

- A. One-third (1/3) of the cash deposit after completion of one-third (1/3) of the public and site improvements;
- B. Another one-third (1/3) of the cash deposit after completion of two-thirds (2/3) of the public and site improvements; and
- C. The balance at the completion of the public and site improvements.

Any irrevocable bank letter of credit or surety bond shall be returned to the applicant upon completion of the public improvements. If a development is to be completed in phases, then the Planning Commission may require the applicant to furnish a performance guarantee as provided in this Section for each phase of the development. If an applicant has contracted with a third-party to construct the public and site improvements and the third-party has provided a bond meeting the requirements described above and the bond also names the Township as a third-party beneficiary of the bond, then the Planning Commission may accept that bond as meeting all or a portion of the performance guarantee required by this Section.

Section 10. 8 - Violations and Penalties

A. Inspection

The **Zoning Administrator** shall have the responsibility to investigate each alleged violation and shall have the right to inspect any property for which a Zoning Permit has been issued to ensure compliance with the plans and conditions of the Zoning Permit or approved site plan.

B. Violation Notification

If the **Zoning Administrator** shall find that any of the provisions of this Ordinance are being violated, he/she shall within ten (10) days notify, **in writing**, the person responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it. He/she shall order discontinuance of illegal use of land, buildings or structures or of discontinuance of any illegal work being done; or shall take any other action authorized by this Ordinance to ensure compliance with or to prevent violation of its provisions. The notification shall be sent by certified mail.

C. Penalties

1. Any person, firm or corporation, including, but not by way of limitation, builders and contractors who shall violate, neglect or refuse to comply with or who resists the enforcement of any of the provisions of this Ordinance or conditions of the Planning Commission, Zoning Board of Appeals or Township Board adopted pursuant thereof, shall be guilty of a municipal civil infraction as defined by Michigan law and subject to a civil fine of not more than \$500.00, plus costs, which may include all direct and indirect expenses to which the Township has been put in connection with the violation. A violator of this Ordinance shall also be subject to such additional sanctions, remedies and judicial orders as authorized under Michigan law.

The imposition of any sentence shall not exempt the offender from compliance with the requirements of this Ordinance. Uses of land and dwellings, buildings or structures, including tents, trailer coaches and mobile homes used, erected, altered, razed or converted in violation of any provision of this Ordinance are hereby declared to be a nuisance per se (by itself). The Court may order such nuisance abated and the owner and/or agent in charge of such dwelling, building, structure, tent, trailer coach, mobile home or land may be adjudged guilty of maintaining a nuisance per se (by itself) and same may be abated by order of any Court of competent jurisdiction.

2. The **Zoning Administrator** is hereby designated as the authorized Township official to notify alleged violators of this Ordinance of the violation. The Township Board may also designate from time to time other officials to issue violation notices on behalf of the Township.
3. In addition to or in lieu of enforcing this Ordinance as a municipal civil infraction, the Township may initiate proceedings in any Court of competent jurisdiction to abate, eliminate, or enjoin the nuisance per se (by itself) or any other violation of this Ordinance.

D. **Stop Work Order**

1. If construction or land uses are being undertaken contrary to a Zoning Permit, the Michigan Zoning Enabling Act, or this Ordinance, the Zoning Administrator or any other official authorized by the Township Board is authorized to post a stop work order on the property at a suitable location, such as at an entrance, in order to prevent the work or activity from proceeding in violation of the Ordinance. A stop work order may be issued when the Zoning Administrator finds that any of the following conditions exists:
 - a. Work is being done or has been done without a Zoning Permit;
 - b. Work is being done beyond the scope of the issued Zoning Permit;
 - c. Work is being done which does not match approved plans;
 - d. A permittee fails to comply with any of the terms, conditions, or requirements of the applicable Zoning Permit or a condition of the permit; or
 - e. A permittee fails to pay any fees required by this Ordinance or any other applicable ordinance.

2. A person shall not continue, or cause or allow to be continued, construction or uses in a violation of a stop work order, except with permission of the enforcing agency to abate a dangerous condition or remove the violation, or except by Court order. If an order to stop work is not obeyed, the enforcing officer or agency may apply to the Circuit Court for an order enjoining the violation of the stop work order. This remedy is in addition to, and not in limitation of, any other remedy provided by law or Ordinance, and does not prevent civil prosecution for failure to obey the order.

ARTICLE 11

ZONING BOARD OF APPEALS

Section 11.0 - Creation and Membership of the Zoning Board of Appeals

- A. The Zoning Board of Appeals (ZBA) shall perform its duties and exercise its powers as provided in Article 6 of Public Act 110 of 2006, as amended, and in such a way that the objectives of this Ordinance shall be observed, public safety secured, and justice done. The Board shall consist of three (3) members, appointed by the Township Board by a vote of a majority of its membership.
1. The first member shall be a member of the Planning Commission for the terms of his/her office.
 2. The remaining members must be selected from the electors of the Township and shall be representative of the population distribution and of the various interests present in the Township. One (1) member may be a member of the Township Board.
 3. An elected officer of the Township shall not serve as chairman. An employee or contractor of the Township Board may not serve as a member of the Zoning Board of Appeals.
 4. The Township Board may appoint not more than two (2) alternate members for the same term as regular members to the Zoning Board of Appeals. An alternate member may be called to sit as a regular member of the Zoning Board of Appeals in the absence of a regular member if a regular member is absent from or unable to attend one (1) or more meetings of the Zoning Board of Appeals. An alternate member may also be called to serve in the place of a regular member for the purpose of reaching a decision on a case in which the regular member has abstained for reasons of conflict of interest. The alternate member having been appointed shall serve in the case until a final decision has been made. The alternate member shall have the same voting rights as a regular member of the Zoning Board of Appeals.
 5. The terms of office for members of the Zoning Board of Appeals shall be for three (3) years, except for members serving because of their membership on the Planning Commission or the Township Board, whose terms shall be limited to the time they are members of those bodies. When members are first appointed, the appointments may be for less than three (3) years to provide for staggered

terms. A successor shall be appointed not more than one (1) month after the term of the preceding member has expired. Vacancies for unexpired terms shall be filled for the remainder of the term in the same manner as the original appointment.

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

Section 11.1 - Meetings

- A. Meetings of the Zoning Board of Appeals shall be held at the call of the Chairman and at such other times as the Zoning Board of Appeals may determine or specify in its rules of procedure. All hearings conducted by said Board shall be open to the public. The

Zoning Board of Appeals shall adopt its own rules of procedure and keep a record of its proceedings showing the vote of each member upon each question, or if absent or failing to vote, indicating said fact; and shall file a record of its proceedings in the office of the Township Clerk, and shall be a public record.

- B. The Zoning Board of Appeals shall not conduct business unless a majority of those Zoning Board of Appeals members qualified to sit for a particular matter are present to constitute a quorum, regardless of whether the members are regular members or alternate members.

Section 11.2 -Jurisdiction

- A. An appeal concerning the administration of the provisions of this Ordinance may be taken to the Zoning Board of Appeals within the timeframe defined in the general rules and procedures adopted by the Zoning Board of Appeals. If such a timeframe is not specified, appeals shall be filed within thirty (30) days of the decision of the Zoning Administrator from which the appellant seeks relief.
- B. The Zoning Board of Appeals shall hear and decide appeals from and review any administrative order, requirement, decision, or determination made by an administrative official or body charged with enforcement of a Zoning Ordinance adopted under this Public Act 110 of 2006.

- C. The Zoning Board of Appeals shall have the authority to grant non-use variances relating to the construction, structural changes, or alteration of buildings or structures related to dimensional requirements of the Zoning Ordinance as provided for in **Section 11.5**. The Zoning Board of Appeals shall **not** grant use variances.
- D. The Zoning Board of Appeals may also interpret the location of zoning district boundaries and may interpret the provisions of this Ordinance.
- E. The Zoning Board of Appeals has no jurisdiction to hear appeals from Planning Commission decisions concerning Special Land Use approvals or Planned Unit Developments.

Section 11.3 - Procedure and Decisions

- A. An appeal to the Zoning Board of Appeals may be taken by a person aggrieved or by an officer, department, board or bureau of Michigan or Caledonia Township.
- B. A variance in the Zoning Ordinance may be applied for and granted under Section 4 of the Uniform Condemnation Procedures Act, Public Act 87 of 1980, MCL 213.54, and as provided under the Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended.
- C. The appellant shall file with the Zoning Board of Appeals, on blanks or forms to be furnished by the Zoning Administrator, a notice of appeal specifying the grounds for the appeal.
- D. The Zoning Administrator shall immediately transmit to the Zoning Board of Appeals all papers constituting the record of the appealed action.
- E. The appellant is required to submit six {6} copies of surveys, plans and data as required under **Article 7**, or other information deemed reasonably necessary for making any informed decision on his/her appeal.
- F. Following receipt of a written request for a variance, an interpretation of the Zoning Ordinance, or an appeal of an administrative decision, the Zoning Board of Appeals shall fix a reasonable time for the hearing of the request and give notice pursuant to **Section 10.3**.
- G. Any person may appear and testify at the hearing either in person or by duly authorized agent or attorney.
- H. A member of the Zoning Board of Appeals who is also a member of the Planning Commission or the Township Board 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 or the Township Board. However, the member may consider and vote on other unrelated matters involving the same property.

- I. The Zoning Board of Appeals may reverse or affirm, wholly or partly, or modify the *order*, requirement, decision, or determination and may issue or direct the issuance of a permit. The final decision of such appeal shall be in the form of a resolution reversing, modifying or affirming, wholly or partly, the decision or determination appealed. Reasons for the decision must be stated.
- J. The concurring vote of a majority of the members of the Zoning Board of Appeals is necessary to reverse an *order*, requirement, decision, or determination of the administrative official or body, to decide in favor of the appellant on a matter upon which the Zoning Board of Appeals is required to pass under the Zoning Ordinance, or to grant a variance in the Zoning Ordinance.
- K. The Zoning Board of Appeals may impose such conditions or limitations in granting a variance as deemed necessary to protect the character of the area, as provided for in **Section 10.2**.
- L. No order of the Zoning Board of Appeals permitting the erection or alteration of a building shall be valid for a period longer than one (1) year, unless a building permit for such erection or alteration is obtained within such period and substantial construction has occurred.
- M. The decision of the Zoning Board of Appeals shall be final. A party aggrieved by the decision may appeal to the Circuit Court of Alcona County.

Section 11.4 - Stay

An administrative appeal to the Zoning Board of Appeals and an appeal of a decision by the Zoning Board of Appeals to Circuit Court stays all proceedings of the action appealed from, including the effectiveness of any Zoning Permit issued, unless the Zoning Administrator certifies to the Zoning Board of Appeals after such appeal has been filed that a stay would cause imminent peril to life or property, in which case the proceedings shall not be stayed, unless ordered stayed by the Zoning Board of Appeals or the Circuit Court. Provided, however, this Section shall not apply to an administrative decision to take enforcement action for alleged violations of this Ordinance.

Section 11.5 - Variance Standards

- A. **Dimensional Variance Standards:** The Zoning Board of Appeals may grant dimensional variances when the applicant demonstrates in the official record of the hearing that the strict enforcement of this Ordinance would result in practical difficulty. To establish practical difficulty, the applicant must establish **all** of the following:
1. The need for the requested variance is due to unique circumstances or physical conditions of the property involved that do **not** apply generally to other properties in the surrounding area, such as narrowness, shallowness, shape, water, or topography and is **not** due to the applicant's personal or economic hardship.
 2. Strict compliance with the regulations governing 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.
 3. Whether granting the requested variance would do substantial justice to the applicant as well as to other property owners in the district, or whether granting a lesser variance than requested would give substantial relief to the property owner and be more consistent with justice to other property owners.
 4. The need for the requested variance is **not** the result of action of the property owner or previous property owners (self-created).
 5. That the requested variance will **not** cause an adverse impact on surrounding property, property values, or the use and enjoyment of property in the neighborhood or zoning district.

Section 11.6 - Appeal to Circuit Court

- A. Any party aggrieved by a decision of the Zoning Board of Appeals may appeal to the Circuit Court for Alcona County. The Circuit Court shall review the record and decision to ensure that the decision meets all the following requirements:
1. Complies with the constitution and laws of the State.
 2. Is based upon proper procedure.
 3. Is supported by competent, material, and substantial evidence on the record.

4. Represents the reasonable exercise of discretion granted by law to the Zoning Board of Appeals.
- B. If the Court finds the record inadequate to make the review required by this Section or finds that additional material evidence exists that with good reason was not presented, the Court shall order further proceedings on conditions that the Court considers proper. The Zoning Board of Appeals may modify its findings and decision as a result of the new proceedings or may affirm the original decision. The supplementary record and decision shall be filed with the Court. The Court may affirm, reverse, or modify the decision.
 - C. An appeal from a decision of a Zoning Board of Appeals shall be filed within thirty (30) days after the Zoning Board of Appeals issues its decision in writing signed by the chairperson, if there is a chairperson, or signed by the members of the Zoning Board of Appeals, if there is no chairperson, or within twenty-one (21) days after the Zoning Board of Appeals approves the minutes of its decision. The Court may affirm, reverse, or modify the decision of the Zoning Board of Appeals. The Court may make other orders as justice requires.

ARTICLE 12

ADOPTION AND AMENDMENTS

Section 12.0 - Amendment to this Ordinance

- A. The Township Board is authorized and empowered to cause this Ordinance to be amended, supplemented, or changed, pursuant to the authority and according to the procedures set forth in **Public Act 110 of 2006**, as amended.
1. The regulations and provisions stated in the text of this Ordinance and the boundaries of zoning districts shown on the Caledonia Township Zoning Map may be amended, supplemented or changed by action of the Township Board following a recommendation from the Planning Commission.
 2. Proposals for amendments, supplements 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.
 3. The procedure to be followed for initiating and processing an amendment shall be as follows:
 - a. Each petition by one (1) or more persons for an amendment shall be submitted by application to the Zoning Administrator on a standard form provided and shall be accompanied by the fee as prescribed by the Township Board. No part of such fee shall be returnable to a petitioner if the public hearing is held.
 - b. The Zoning Administrator shall notify, **in writing**, the Township Clerk and Chair of the Planning Commission at or before the time he/she transmits the amendment request to the Planning Commission.
 - c. The Planning Commission shall consider each proposal for amendment on particular factors related to the individual proposal and in terms of the likely effect on the community's physical development. The Planning Commission may recommend any additions or modifications to the original proposal.
 - d. The public notice procedure shall be the same as that contained in **Section 10.3**.

- e. **Rezoning Standards:** The Planning Commission shall review and apply the following standards and factors in the consideration of any rezoning request.
- 1) Is the proposed rezoning consistent with the current Master Plan?
 - 2) Are all of the allowable uses in the proposed district reasonably consistent with surrounding uses?
 - 3) Will there be an adverse physical impact on surrounding properties?
 - 4) Will there be an adverse effect on property values in the adjacent area?
 - 5) Have there been changes in land use or other conditions in the immediate area or in the community in general which justify rezoning?
 - 6) Will rezoning create a deterrent to the improvement or development of adjacent property in accord with existing regulations?
 - 7) Will rezoning grant a special privilege to an individual property owner when contrasted with other property owners in the area or the general public (i.e., will rezoning result in spot zoning)?
 - 8) Are there substantial reasons why the property cannot be used in accordance with its present zoning classifications?
 - 9) Is the site served by adequate public facilities or is the petitioner able to provide them?
 - 10) Are there sites nearby already properly zoned that can be used for the intended purpose?
- f. Following the public hearing, the Planning Commission shall submit the proposed amendment including any zoning map changes to the Alcona County Board of Commissioners. If the recommendation of the County Board of Commissioners has not been received within thirty (30) days after the receipt of the Ordinance by the County, it shall be conclusively presumed that the County has waived its right for review.

- g. The Planning Commission shall submit a final report/recommendation to the Township Board along with a summary of the comments received at the public hearing.
- h. The Township Board may hold a public hearing if it considers it necessary or if otherwise required. Notice of such hearing shall be published using the procedures in **Section 10.3**.
- i. The Township Board shall grant a hearing on a proposed Ordinance amendment to a property owner who requests a hearing by certified mail, addressed to the Township Clerk. Notice of such hearing shall be published using the procedures in **Section 10.3**.
- j. The Township Board may refer any proposed amendments to the Planning Commission for consideration and comment within a time specified by the Township Board.
- k. After any such public hearing as allowed under **Section 12.0 (A)(3)(h-i)**, the Township Board shall consider and vote upon the adoption of a Zoning Ordinance amendment. A Zoning Ordinance amendment shall be approved by a majority vote of the members of the Township Board.
- l. Once adopted by the Township Board, amendments to this Ordinance shall be filed with the Township Clerk, and one {1} notice of adoption shall be published in a newspaper of general circulation in the Township within fifteen {15} days after adoption. Any amendments to this Ordinance shall become effective on the expiration of seven (7) business days after publication or at a later date as may be specified by the Township Board at the time of adoption.
- m. No application for a rezoning which has been denied by the Township shall be resubmitted for a period of one {1} year from the date of the last denial, except on grounds of newly discovered evidence or proof of changed conditions found upon inspection by the Township Planning Commission to be valid.

Section 12.1- Conflicting Regulations

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

required by this Ordinance, then the provisions of such Ordinance shall govern. Where any provision of this Ordinance differs from any other provision of this Ordinance, the more restrictive requirement shall prevail.

The graphics, tables and text used throughout this Ordinance are regulatory. In case of a conflict, text shall control over tables or graphics; tables shall control over graphics. Photographs and illustrations marked "example" or text marked "commentary" is not regulatory and is provided for illustrative purposes only.

Section 12.2 - Severability

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

Section 12.3 - Repeal and Savings Clause

- A. This Ordinance repeals and replaces any previous Caledonia Township Zoning Ordinance in its entirety.
- B. The repeal of any previous Caledonia Township Zoning Ordinance, as provided, shall not affect any rights acquired, fines, penalties, forfeitures or liabilities incurred there under or actions involving any of the provisions of said Ordinance or parts thereof. Said Ordinance or Ordinance sections repealed is hereby continued in force and effect after the passage, approval and publication of this Ordinance for the purpose of such rights, fines, penalties, forfeitures, liabilities and actions therefore.

Section 12.4 - Enactment and Effective Date

- A. This Ordinance was adopted on February 12, 2014 by the Caledonia Township Board of Trustees and will be effective March 1, 2014. The foregoing Zoning Ordinance and Map of Zoning Districts were presented at public hearings before the Planning Commission on July 1, 2013.

- B. Amendments or revisions to this Ordinance or Map of Zoning Districts shall become effective on the expiration of seven (7) business days, or at a later date specified by the Township Board, after publication of a notice of adoption of said amendments or revisions within fifteen (15) days of adoption in accordance with Section 401 of Public Act 110 or 2006, as amended.