

# Charter Township of Alpena

## ZONING ORDINANCE

Charter Township of Alpena  
Alpena County  
Michigan

Adopted:

Effective:

*Prepared with the assistance of:*

**Northeast Michigan Council of Governments**  
[www.discovernortheastmichigan.org](http://www.discovernortheastmichigan.org)

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Charter Township of



# Article 1

## Title & Purpose

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### Preamble

Pursuant to the authority conferred by the Public Acts of the State of Michigan in such case, made and provided and for the purpose of promoting and protecting the public health, safety, peace, morals, comfort, convenience, and general welfare of the inhabitants of the Township by protecting and conserving the charter and social and economic stability of the residential, commercial, industrial and other use areas; by securing the most appropriate use of land; by preventing overcrowding the land and undue congestion of population, providing adequate light, air and reasonable access; and by facilitating adequate and economical provision of transportation, water, sewers, schools, recreation, and other public requirements; and by other means, all in accordance with a master plan; now therefore:

The Charter Township of Alpena ordains:

### Section 100 Short Title

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

### Section 101 Title & Purpose

The Charter Township of Alpena Zoning Ordinance is AN ORDINANCE enacted under **2006 PA 110, as amended (the Michigan Zoning Enabling Act, M.C.L. 125.3101 through 125.3702)** governing the unincorporated portions of the Charter Township of Alpena, Alpena County, Michigan, to regulate and restrict the locations and use of buildings, structures and land for trade, industry, residence and for public and semi-public or other specified uses; to regulate and limit the height and bulk of buildings, and other structures; to regulate and to determine the size of yards, courts, and open spaces; to regulate and limit the density of population; and, for said purposes, to divide the Township into districts and establish the boundaries thereof; to provide for changes in the regulations, restrictions and boundaries of such districts to define certain terms used herein; to provide for enforcement; to establish a Board of Appeals; and to impose penalties for the violation of this Ordinance.

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Charter Township of



# Article 2

## Definitions

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### Section 200 Construction of Language

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

- A. All words used in the present tense shall include the future.
- B. All words in the singular number include the plural number and all words in the plural number include the singular number.
- A. The word "building" includes the word "structure" and includes any part thereof including attached appurtenances, except attached utility devices, air conditioning units, television and radio antennas, wind turbines or towers, and solar devices shall not be included in the definition of "building."
- C. The word "dwelling" includes "residence."
- D. The word "person" includes the word "corporation", "co-partnership", "association", "firm", "limited liability company," or any other legal entity as well as in "individual."
- E. The word "shall" is mandatory and the word "may" is permissive.
- F. The word "lot" includes the words "plot" or "parcel."

**1** Title & Purpose**2** Definitions**3** General Provisions**4** District Regulations**5** Site Plan Review & Plot Plans**6** Special Land Use Review**7** Supplemental Regulations**8** Zoning Board of Appeals**9** Administration & Enforcement**10** Adoption & Amendments

- G. The words "used" or "occupied" includes the words "intended", "designed," or "arranged to be used or occupied."
- H. Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions, or events connected by the conjunction "and," "or," "either . . . or," the conjunction shall be interpreted as follows.
1. "And" indicates that all the connected items, conditions, provisions or events shall apply.
  2. "Or" indicates that the connected items, conditions, provisions, or events may apply singly or in any combination.
  3. "Either . . . or" indicates that the connected items, conditions, provisions, or events shall apply singly but not in combination.
- I. "Township" shall refer specifically to the Charter Township of Alpena.
- J. "Days" means calendar days unless otherwise stated.
- K. The particular shall control the general, unless otherwise specified.
- L. Terms not herein defined shall have the meaning customarily assigned to them.

## Section 201 Definitions

### A

**Abutting.** Having property or district lines in common.

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

**Accessory Building or Accessory Structure.** A building or a portion of a building subordinate to and on the same lot as a main building and devoted exclusively to an accessory use, including, but not limited to, private garages and storage buildings. Fences, walls, and manufactured homes shall not be considered accessory buildings or structures.

**Accessory Dwelling Unit.** Also known as a "granny flat". A secondary residential dwelling unit located on the same lot as a single-family dwelling unit, either within the same building as the single-family dwelling unit or in a detached building (where allowed). Accessory dwelling units shall be developed in accordance with the standards set forth in **Section 737** and only in those zoning districts where the use is listed as allowed.

**Accessory Use.** A use of a building, lot or portion thereof, which is customarily incidental and subordinate to the principal use of the main building or lot.

**Adjacent Property.** Property that adjoins any sides or corners 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 rights-of-way.

**Adult Foster Care Facility.** As defined by the Adult Foster Care Facility Licensing Act (**PA 218 of 1979**, as amended): a governmental or nongovernmental establishment, licensed by the State of Michigan, that provides foster care to adults. Adult foster care facility includes facilities and foster care homes for adults who are aged, mentally ill, developmentally disabled, or physically disabled who require supervision on an ongoing basis, but who do not require continuous nursing care.

A. The following additional definitions shall apply in the application of this Ordinance:

1. **Adult Day Care Facility.** A facility receiving adults for care for periods of less than twenty four (24) hours in a day, for more than two (2) weeks in any calendar year. Care for persons related by blood or marriage to a member of the family occupying the dwelling is excluded from this definition.
2. **Adult Foster Care Home, Family.** A private residence with the approved capacity to receive six (6) or fewer adults to be provided with foster care twenty-four (24) hours a day, for five (5) or more days a week for two (2) or more consecutive weeks. The licensee shall be a member of the household and an occupant of the residence.
3. **Adult Foster Care Home, Small Group.** An adult foster care facility with the approved capacity to receive twelve (12) or fewer adults to be provided with foster care twenty-four (24) hours a day, for five (5) or more days a week for two (2) or more consecutive weeks.
4. **Adult Foster Care Home, Large Group.** An adult foster care facility with the approved capacity to receive at least thirteen (13), but not more than twenty (20) adults to be provided with foster care twenty-four (24) hours a day, for five (5) or more days a week for two (2) or more consecutive weeks.
5. **Adult Foster Care Congregate Facility.** An adult foster care facility with the approved capacity to receive more than twenty (20) adults to be provided with foster care.
6. **State-Licensed Residential Facility.** A structure constructed for residential purposes that is licensed by the state under the **Adult Foster Care Facility Licensing Act, 1979 PA 218, MCL 400.701 to 400.737**, or the **Child Care Organizations Act, 1973 PA 116, MCL 722.111 to 722.128**, and provides residential services for 6 or fewer individuals under 24-hour supervision or care. The licensee is NOT a member of the household nor is an occupant of the residence.

B. An adult foster care facility does not include the following:

1. A nursing home licensed under Article 17 of the **Public Health Code, 1978 PA 368**, MCL 333.20101 to 333.22260.
2. A home for the aged licensed under Article 17 of the **Public Health Code, 1978 PA 368**, MCL 333.20101 to 333.22260.
3. A hospital licensed under Article 17 of the **Public Health Code, 1978 PA 368**, MCL 333.20101 to 333.22260.
4. A hospital for the mentally ill or a facility for the developmentally disabled operated by the department of community health under the **Mental Health Code, 1974 PA 258**, MCL 330.1001 to 330.2106.
5. A county infirmary operated by a county department of social services or family independence agency under Section 55 of the **Social Welfare Act, 1939 PA 280**, MCL 400.55.
6. A child caring institution, children's camp, foster family home, or foster family group home licensed or approved under **1973 PA 116**, MCL 722.111 to 722.128, if the number of residents who become 18 years of age while residing in the institution, camp, or home does not exceed the following:
  - a. Two (2), if the total number of residents is ten (10) or fewer.
  - b. Three (3), if the total number of residents is not less than eleven (11) and not more than fourteen (14).
  - c. Four (4), if the total number of residents is not less than fifteen (15) and not more than twenty (20).
  - d. Five (5), if the total number of residents is twenty-one (21) or more.
7. A foster family home licensed or approved under **1973 PA 116**, MCL 722.111 to 722.128, that has a person who is eighteen (18) years of age or older placed in the foster family home under Section 5(7) of **1973 PA 116**, MCL 722.115.
8. An establishment commonly described as an alcohol or a substance abuse rehabilitation center, a residential facility for persons released from or assigned to adult correctional institutions, a maternity home, or a hotel or rooming house that does not provide or offer to provide foster care.
9. A facility created by the **Michigan Veterans Facility Act, 1885 PA 152**, MCL 36.1 to 36.12.
10. An area excluded from the definition of adult foster care facility under Section 17(3) of the **Continuing Care Community Disclosure Act, 2014 PA 448**, MCL 554.917.

11. A private residence with the capacity to receive at least one (1) but not more than four (4) adults who all receive benefits from a community mental health services program if the local community mental health services program monitors the services being delivered in the residential setting.

**Aggrieved Person.** A person who has suffered a substantial damage from a zoning decision not in common to other property owners similarly situated and who has actively opposed the decision in question.

**Agriculture.** See *Farm, Commercial* or *Farm, Domestic*.

**Agricultural Sales and Service.** An establishment primarily engaged in the sale or rental of farm tools and implements, feed and grain, tack, animal care products, farm supplies, and machinery repair services.

**Agricultural Tourism Business.** Farms which engage in agriculturally-related tourism operations including but not limited to:

- A. Bakeries selling goods grown primarily on-site
- B. Educational tours, classes, lectures, and seminars
- C. Family-oriented animated barns (haunted houses)
- D. Gift shops for agriculturally-related products, crafts
- E. Historical agricultural exhibits
- F. Organized meeting space (weddings, birthdays, corporate picnics) – fall under the definition of **Commercial Event Facility**.
- G. Petting farms, animal display, and pony rides
- H. Picnic areas (including rest rooms)
- I. Playgrounds, wagon/sleigh rides, nature trails
- J. Restaurants related to the agricultural use of the site
- K. Seasonal outdoor mazes of agricultural origin
- L. Small-scale entertainment (concert, car show, art fair)

**Alley.** Any dedicated public way affording a secondary means of access to abutting property and not intended for general traffic circulation.

**Alterations.** Any change, addition or modification to a structure 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".

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

**Apartment Building.** See *Dwelling, Multiple-Family*.

**Applicant.** Any person that applies for a permit.



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

**Assisted Living Home.** A structure providing housing and limited services such as nursing, recreation, and meals to individuals who are partially able to provide services to themselves.

**Attached.** Connected to a main building in a substantial manner by walls, a breezeway, and/or a roof.

**Auto Repair Garage.** A place where the following activities may be carried out: vehicle body repair, engine rebuilding or repair, undercoating, painting, tire recapping, upholstery work, and auto glass work.

**Average.** For the purpose of this Ordinance, the term, "average" shall be an arithmetic mean.

## **B**

**Basement.** That portion of a building which is partly or wholly below grade but so located that the vertical distance from average grade to the floor is greater than the vertical distance from the average grade to the ceiling. If the vertical distance from the grade to the ceiling is over five (5) feet, such basement shall be rated as a first story. See diagram for **Story**.

**Bed and Breakfast.** See **Tourist Home**.

**Berm.** An earthen mound used for the purpose of landscaping, screening, or enclosure, compacted and finished with adequate topsoil to support grass or other landscape materials in a neat and well-maintained condition. Berm specifications are contained in **Section 321**.

**Billboard.** See **Sign, Off-Premise Advertising Sign (Billboard)**.

**Biofuel Production Facilities (on Farms).**

- A. **Biofuel.** Any renewable fuel product, whether solid, liquid, or gas, that is derived from recently living organisms or their metabolic by-products and meets applicable quality standards, including, but not limited to, ethanol and biodiesel. Biofuel does not include methane or any other fuel product from an anaerobic digester.
- B. **Ethanol.** A substance that meets the ASTM international standard in effect on the effective date of this Section as the D-4806 specification for denatured fuel grade ethanol for blending with gasoline.
- C. **Farm.** The land, plants, animals, buildings, structures, including ponds used for agriculture or aquicultural activities, machinery, equipment, and other appurtenances used in the commercial production of farm products.
- D. **Proof Gallon.** That term as defined in 27 CFR 19.907. A gallon of liquid at sixty (60) degrees Fahrenheit which contains fifty (50%) percent by volume of ethyl alcohol having a specific gravity of

0.7939 at sixty (60) degrees Fahrenheit referred to water at sixty (60) degrees Fahrenheit as unity, or the alcoholic equivalent thereof.

**Boarding House.** See *Rooming and /or Boarding Houses*.

**Brewpub.** A facility where beer is produced, stored, and sold for consumption on or off the premises that meets the requirements of the Michigan Liquor Control Commission.

**Buffer.** Open space, landscaped areas, fences, walls, berms or any combination thereof to physically separate or screen one (1) use or property from another so as to visually shield or block noise, lights, or other nuisances. See also *Landscape Screen* or *Greenbelt*.

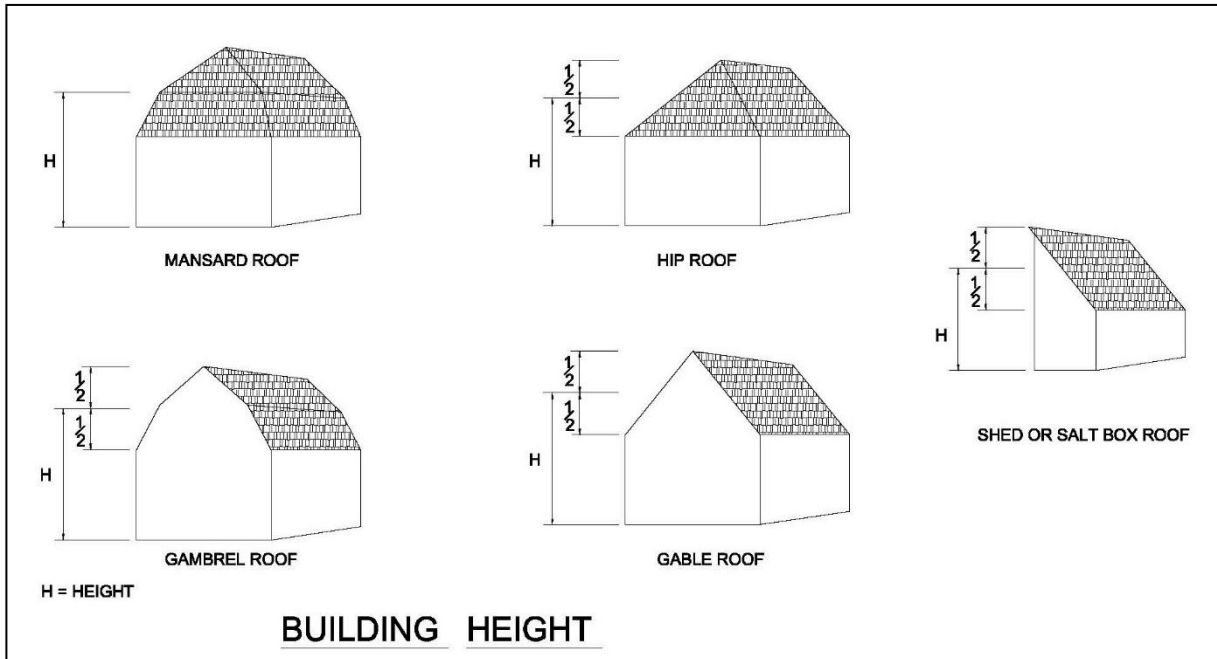
**Buildable Area.** The space remaining on a lot or lots of record after the minimum setback and open space requirements have been met.

**Building.** Any structure, either temporary or permanent, having a roof supported by columns or walls, and intended for the shelter or enclosure of persons, animals, chattels, or property of any kind. (This shall include storage canopies (storage shelters using flexible material for sides and/or roof – also known as “fabric garages”), awnings, or vehicles situated on private property and used for such purposes.)

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

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

**Building, Main.** A building in which is conducted the principal use of the lot on which it is situated.



## C

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

**Campground.** 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 for recreational units.

**Cemetery.** Property, including crematories, mausoleums, and/or columbariums, used or intended to be used for the perpetual interment of deceased human beings.

**Change of Use.** The alteration, addition to, or replacement of an existing use with a new use belonging to a different zoning classification. For the purpose of this definition, zoning classifications are those enumerated as separate items or categories within the lists of principal permitted or Special Land Uses in this Ordinance.

**Child Care Facility.** A facility for the care of children (persons under 18 years of age), as licensed and regulated by the State under **1973 PA 116, as amended (Child Care Organizations Act, being MCL §§ 722.111 - 722.128)**, and the associated rules promulgated by the **State Department of Health and Human Services**. Such organizations shall be further defined as follows:

- A. **Child Care Home, Family.** A State-licensed, owner-occupied private home in which one (1) but fewer than seven (7) minor children are received for care and supervision for periods less than twenty-four

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(24) hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. Care is given for more than four (4) weeks during a calendar year.

- B. **Child Care Home, Group.** A State-licensed, owner-occupied private home in which more than six (6) but not more than (12) minor children are given care and supervision for periods less than twenty-four (24) hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. Care is given 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 periods of less than twenty-four (24) hours a day and where parents or guardians are not immediately available to the child. Care is provided more than two (2) consecutive weeks, regardless of the number of hours of care per day. May also be referred to as a child care center, day nursery, nursery school, parent cooperative preschool, play group, or drop-in center.
- D. **Child Caring Institution.** A child care facility that is organized for the purpose of receiving minor children for care, maintenance, and supervision, usually on a 24-hour basis, in buildings maintained by the child caring institution for that purpose, and operates throughout the year. An educational program may be provided, but the educational program shall not be the primary purpose of the facility. Child caring institution includes a maternity home for the care of unmarried mothers who are minors and an agency group home, which is described as a small child caring institution, owned, leased, or rented by a licensed agency providing care for more than 4 but less than 13 minor children. Child caring institution also includes institutions for developmentally disabled or emotionally disturbed minor children. Child caring institution does not include a hospital, nursing home, or home for the aged licensed under Article 17 of the **Public Health Code**, 1978 PA 368, MCL 333.20101 to 333.22260, a boarding school licensed under Section 1335 of the **Revised School Code**, 1976 PA 451, MCL 380.1335, a hospital or facility operated by the state or licensed under the **Mental Health Code**, 1974 PA 258, MCL 330.1001 to 330.2106, or an adult foster care family home or an adult foster care small group home licensed under the **Adult Foster Care Facility Licensing Act**, 1979 PA 218, MCL 400.701 to 400.737, in which a child has been placed under Section 5(6).

**Church/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, synagogue, or similar religious structure and/or institution.

**Club.** An organization of persons for special purposes or for the promulgation of sports, arts, sciences, literature, politics, or the like, but not for profit.

**Commercial Event Facility.** A location where events are held including, but not limited to, weddings, parties, meetings, family reunions, and corporate events. The event locations can include, but not be limited to, tents, gazebos, barns, open areas, and residential structures as well as other structures specifically designed to host events. Also known as Convention Centers, Conference Centers, Banquet Halls, or Wedding Venues.

**Commercial Use.** The use of property in connection with the purchase, sale, barter, display, or exchange of goods, wares, merchandise, or personal services, and the maintenance or operation of offices.

**Concentrated Animal Feeding Operations (CAFO).** A lot, parcel, or building or combination of contiguous lots, parcels, or buildings where agricultural animals have been, are, or will be stabled or confined and fed or maintained for a total of forty-five (45) days or more in any twelve (12) month period, where manure may accumulate, and where concentration of animals is such that vegetative cover or post-harvest residues cannot be maintained within the enclosure during the normal growing season. Regulations pertaining to CAFO's are administered by the Michigan Department of Environment, Great Lakes, and Energy. Information on the permitting process is available on [www.mi.gov/cafo](http://www.mi.gov/cafo).

**Conditional Rezoning.** A rezoning that is conditioned by a specific use and approved site plan voluntarily proposed by the applicant.

**Condominium, Site.** A condominium development containing residential, commercial, office, industrial, or other structures or improvements for uses permitted in the zoning district in which located, in which each co-owner owns exclusive rights to a volume of space within which a structure or structures may be constructed, herein defined as a condominium unit, as described in the master deed. The following additional definitions are provided:

- A. **Condominium Act. 1978 PA 59**, as amended.
- B. **Condominium Documents.** The master deed, recorded pursuant to the **Condominium Act**, and any other instrument referred to in the master deed or bylaws which affects the rights and obligations of a co-owner in the condominium.
- C. **Condominium Lot.** The condominium unit and the contiguous limited common element surrounding the condominium unit, which shall be the counterpart of "lot" as used in connection with a project developed under the **Land Division Act, 1967 PA 288**, as amended.
- D. **Condominium Unit.** The portion of a condominium project designed and intended for separate ownership and use, as described in the master deed.
- E. **General Common Elements.** The common elements other than the limited common elements.
- F. **Limited Common Elements.** A portion of the common elements reserved in the master deed for the exclusive use of less than all of the co-owners.
- G. **Master Deed.** The condominium document recording the condominium project to which are attached as exhibits and incorporated by reference the bylaws for the project and the condominium subdivision plan for the project, and all other information required by Section 8 of the **Condominium Act**.

**Convalescent or Nursing Home.** A government operated or private residential facility, licensed under state

law, for the care of children, the aged, infirm, or ill, where continuous nursing care and supervision is provided.

**Convenience Store.** A retail store that is designed and stocked to sell primarily food, beverages, and other household supplies to customers who purchase only a relatively few items (in contrast to a "supermarket"). Convenience grocery stores are designed to attract a large volume of stop-and-go traffic.

**Cottage Industry.** A Home Occupation which, due to the nature of the investment or operation, includes one (1) or more of the following aspects:

- A. Requires regular visits by clients or customers.
- B. Needs frequent delivery or shipment of goods.
- C. Conducts regular operations or store materials outside of the residence.
- D. Employs two (2) or more individuals who reside off premises.
- E. Has the potential to rapidly increase in size and intensity.

## D

**Deck.** A structure used for outdoor living purposes that may or may not be attached to a building and which protrudes above ground level.

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

**District.** A portion of the unincorporated part of the Township within which certain regulations and requirements or various combinations thereof apply under the provisions of this Ordinance.

**Drive-In or Drive-Through Restaurant.** A business establishment, for the serving of food and/or beverages, with driveways and approaches so developed and designed so as to serve patrons while in the motor vehicle, or permit patron self-service so that consumption within motor vehicles may be facilitated.

**Dwelling Unit.** A building, or portion thereof, designed for occupancy by one (1) family for residential purposes and having cooking facilities.

**Dwelling, Single-Family.** A building designed exclusively for and occupied exclusively by one (1) family.

- A. **Dwelling, Single-Family Detached.** A building designed exclusively for and occupied exclusively by one (1) family that is separate and distinct from any other dwelling. A single-family dwelling that does not share a common wall with any other dwelling is a detached single-family dwelling.
- B. **Dwelling, Single-Family Attached.** A building designed for occupancy by one (1) family in a row of at least three (3) such units in which each unit has its own access to the outside, no unit is located over another, and each unit is separated from any other unit by one (1) or more vertical common fire-resistant walls (also known as a townhouse or rowhouse).

**Dwelling, Multiple-Family.** A building, or portion thereof, designed exclusively for occupancy by three (3) or more families living independently of each other where each unit may have access to a common hallway, stairs, or elevator. Multiple-Family Dwelling includes apartment buildings and also the following:

- A. **Bungalow Court.** This building type consists of a series of small, detached structures, providing multiple units arranged to define a shared court. The shared court takes the place of a private rear yard.
- B. **Fourplex.** A medium structure that consists of four (4) units: typically two (2) on the ground floor and two (2) above with a shared entry.
- C. **Multiplex.** A medium structure that consists of five (5) to ten (10) side-by-side and/or stacked dwelling units, typically with one (1) shared entry or individual entries along the front.
- D. **Courtyard Apartments.** A medium- to large-sized structure consisting of multiple side-by-side and/or stacked dwelling units accessed from a courtyard or series of courtyards. Each unit may have its own individual entry or may share a common entry.

**Dwelling, Two-Family.** A building designed exclusively for occupancy by two (2) families, living independently of each other.

## E

**Easement.** The right of an owner of property, by reason of such ownership, to use the property of another for purposes of ingress, egress, utilities, drainage, and similar uses.

**Erected.** Any physical operations on the premises required for the construction or moving on and includes construction, reconstruction, alteration, building, excavation, fill, drainage, installation of utilities, and the like.

**Essential Services.** The erection, construction, alteration, or maintenance of public utilities or municipal facilities for underground, surface or overhead gas, electrical, steam, fuel, or water transmission or distribution systems, collection, communication, supply, or disposal systems, including towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm or police call boxes, traffic signals, hydrants, and similar accessories in connection therewith, but not including buildings, which are necessary for the furnishing of adequate service by such utilities or municipal departments for the general public health, safety, or welfare. Communications towers and facilities, alternative tower structures, wireless communication antennas, and wind turbines are not included within this definition.

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



**F**

**Family.** An individual or two (2) or more persons occupying the premises and living as a single non-profit housekeeping unit whose relationship is of a continuing non-transient domestic character. This definition shall not include any society, club, fraternity, sorority, association, lodge, coterie, organization, or group of students or other individuals whose domestic relationship is of a transitory or seasonal nature or for an anticipated limited duration of a school term or terms or other similar determinable period. Foster family homes and foster family group homes shall be considered a residential use of property for the purposes of zoning and shall be regulated similar to a single-family home.

**Farm, Commercial.** The land, plants, animals, buildings, structures, including ponds used for agricultural or aquacultural activities, machinery, equipment, and other appurtenances used in the commercial production of farm products.

**Farm, Domestic.** A parcel of land used or intended to be used for agricultural purposes on properties other than Commercial Farms. Domestic farming includes keeping farm animals as pets and raising animals for educational experience. Dogs, cats, and other typical household pets are not regulated as a Domestic Farm.

**Farm Market/On-Farm Market/Roadside Stand.** The sale of agricultural products or value-added agricultural products, directly to the consumer from a site on a working farm or any agricultural, horticultural, or agribusiness operation or agricultural land.

**Farm Product.** Those plants and animals useful to human beings produced by agriculture and includes, but is not limited to, forages and sod crops, grains and feed crops, field crops, dairy and dairy products, poultry and poultry products, cervidae, livestock, including breeding and grazing, equine, fish, and other aquacultural products, bees and bee products, berries, herbs, fruits, vegetables, flowers, seeds, grasses, nursery stock, trees and tree products, mushrooms, and other similar products, or any other product which incorporates the use of food, feed, fiber, or fur, as determined by the **Michigan Commission of Agriculture and Rural Development**.

**Fence or Wall.** A structure of definite height and location to serve as an enclosure. Wooden, concrete, asphalt, earthen, or masonry wall, berms, paving, driveways, or fill materials shall be defined and regulated as fences when such items rise higher than the preexisting ground level (i.e., the level of the ground as it existed immediately before such items were deposited or erected), and when such items are used for the purpose of enclosure or as support for an enclosure.

**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 materials that are used for the purpose of enclosure or as a base or support for an enclosure, the height of such items shall be included in the measurement of fence height when such items rise higher than the preexisting ground level (i.e., the level of the ground as it existed immediately before such items were deposited or erected).

**Fence, Obscuring.** A structure of definite height and location to serve as an obscuring screen in carrying



out the requirements of this Ordinance.

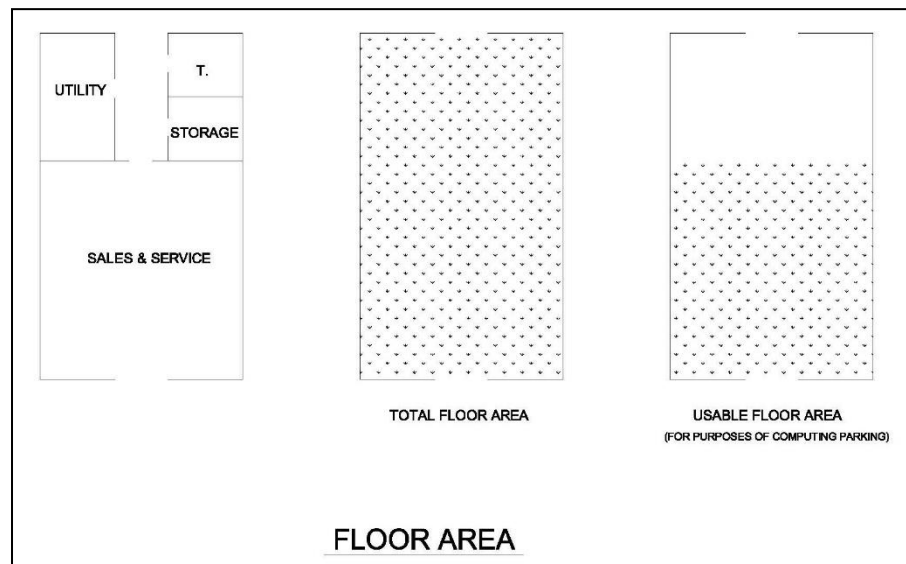
**Flag Lot.** A lot not fronting entirely on or abutting a public road and where access to the road is a narrow, private right-of-way.

**Flood Plain.** The relatively flat area or lowlands contiguous to the channel of watercourse or a body of standing water, which has been or may be covered by flood water. The one hundred (100) year flood plain consists of 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 100 years. The one hundred (100) year flood plains are identified on Floodway Maps produced by **FEMA (Federal Emergency Management Agency)**.

**Floor Area.** The floor area of a residential dwelling unit is the sum of the horizontal areas of each story of the building as measured from the exterior walls exclusive of areas of basements, unfinished attics, attached garages, breezeways, and enclosed and unenclosed porches.

**Floor Area, Usable.**

(For the purposes of computing parking) All ground and non-ground floor area used for, or intended to be used for, the sale of merchandise or services or for use to serve patrons, clients, or customers. Such floor area which is used or intended to be used principally for the storage or processing merchandise, or for utilities, shall be



excluded from this computation of "Usable Floor Area." For the purposes of computing parking for those uses not enclosed within a building, the area used for the sale of merchandise, display of merchandise, and/or area used to serve patrons or clients shall be measured to determine necessary parking spaces.

**G**

**Gasoline Service Station.** A place for dispensing, sale, or offering for sale of motor fuels directly to users of motor vehicles, together with the sale of minor accessories and the servicing of and minor repair of automobiles.

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

**Greenbelt.** A strip of land of definite width and location reserved for the planting of shrubs and/or trees

to serve as an obscuring screen or buffer strip in carrying out the requirements of this Ordinance.

**Guest House.** An accessory building on the same lot as a main dwelling to be used as temporary lodging for the property owner's guests and not for commercial purposes, rental or profit. For the purpose of this Ordinance, a guest house is a residential use.

## H

**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.

**Home Occupation.** An occupation or profession carried on by an occupant of a dwelling unit as a secondary use which is clearly subservient to the use of the dwelling for residential purposes and which does not alter the exterior of the property or affect the residential character of the neighborhood.

**Homeless Shelter.** See *Residential Human Care Facility*.

**Hotel.** A commercial building or part of a commercial building with a common entrance in which the dwelling units or rooming units are accessed from the interior of the building and are used primarily for transient occupancy, in which no provisions are made for cooking in any individual room, and in which one (1) or more of the following services may be offered: maid service, furnishing of linen, telephone, secretarial, or desk service, and bellboy service. A hotel may include a restaurant or cocktail lounge, public banquet halls, ballrooms, or meeting rooms.

## I

**Impervious Surface.** Any material which prevents, impedes, or slows infiltration or absorption of storm water directly into the ground at the rate of absorption of vegetation bearing soils, including building, asphalt, concrete, gravel, and other surfaces. For the purpose of calculating storm water runoff, impervious surfaces shall include all roofs, slabs, pavements, and gravel drives and parking lots.

**Improvements.** Buildings, structures, parking areas, landscaping, and similar features which add value to a property and actions associated with a project which are considered necessary by the Township to protect natural resources or the health, safety, and welfare of the residents of the Township and future users or inhabitants of the proposed project or project area.

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

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

**Ingress.** Access or entry.

**Inn.** A residential structure occupied by the owner(s) or resident manager with sleeping rooms available for rent by guests on a short term basis and which offers meals to the public for compensation.

**J**

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**Junk.** All rubbish, refuse, and debris including, but not limited to, the following: nonputrescible solid waste, ashes, glass, cans, bottles, discarded or abandoned machinery, household appliances, industrial wastes, or discarded, inoperative, dismantled, or partially dismantled motorized vehicles or parts thereof. This shall not preclude home or farm composting for on-site use.

**Junk Yard.** An open area where waste, used or secondhand materials are bought and sold, exchanged, stored, baled, packed, disassembled, or handled including but not limited to: scrap iron and other metals, paper, rags, rubber tires and bottles. A "junk yard" 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.

**K**

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**Kennel, Commercial.** Any lot or premises on which more than three (3) adult domestic animals of any one (1) species are either permanently or temporarily boarded, bred, raised, groomed, or sold for remuneration.

**L**

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**Landscape Screen.** A planting of evergreen trees or shrubs of definite height, spacing, and location to serve as an obscuring screen in carrying out the requirements of this Ordinance.

**Livestock.** Those species of animals used for human food, fiber, and fur, or used for service to humans. Livestock includes, but is not limited to, cattle, sheep, new world camelids, goats, bison, privately owned cervids, ratites, swine, equine, poultry, and rabbits. For the purpose of this Ordinance, livestock does not include dogs and cats.

**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.

**Lot.** A parcel of land occupied, or which could be occupied by, a main building or a group of such buildings and accessory buildings, or utilized for the principal use and uses accessory thereto, together with such open spaces as are required under the provisions of this Ordinance. A lot may or may not be specifically designation as such on public records.

**Lot of Record.** A parcel of land, the dimensions of which are shown on a document or map on file with the County Officials, and which actually exists as so shown, or any part of such parcel held in record ownership

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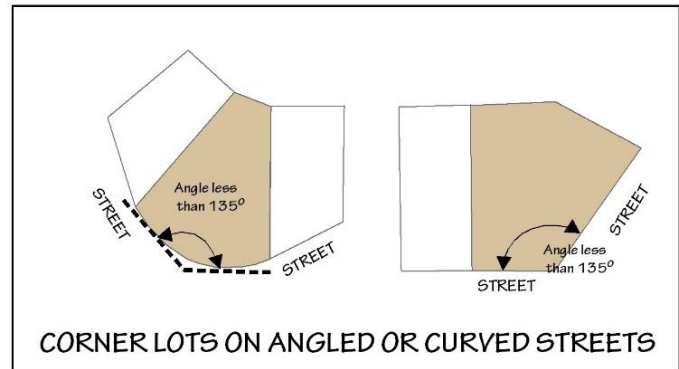
**9** Administration & Enforcement

**10** Adoption & Amendments

separate from that of the remainder thereof.

**Lot Area.** The total horizontal area within the lot lines of the lot.

**Lot, Corner.** A lot where the interior angle of two (2) adjacent sides at the intersection of the two (2) streets is less than one hundred thirty-five (135°) degrees. A lot abutting upon a curved street or streets shall be considered a corner lot for the purposes of this Ordinance if the tangents to the curve, at the two points where the lot lines meet the curve or the straight street line extended, form an interior angle of less than one hundred thirty-five (135°) degrees.



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

**Lot Lines.** The lines bounding a lot as defined herein:

- A. **Front Lot Line.** In the case of an interior lot, the line separating said lot from the street. In the case of a corner lot, the front lot line is that line separating said lot from the street which is designated as the front street in the plat and in the application for a building permit or zoning occupancy permit. In the case of a double frontage lot both lot lines abutting on streets and on the ordinary high water mark of water front lots shall be treated as front lot lines.
- B. **Rear Lot Line.** The lot line opposite the front lot line. In the case of a lot pointed at the rear, the rear lot line shall be an imaginary line parallel to the front lot line, not less than ten (10) feet long lying farthest from the front lot line and wholly within the lot.
- C. **Side Lot Line.** Any lot lines other than the front lot line or rear lot line. A side lot line separating a lot from another lot or lots is an interior side lot line.

**Lot Coverage.** The part or percent of the lot occupied by buildings, including accessory buildings.

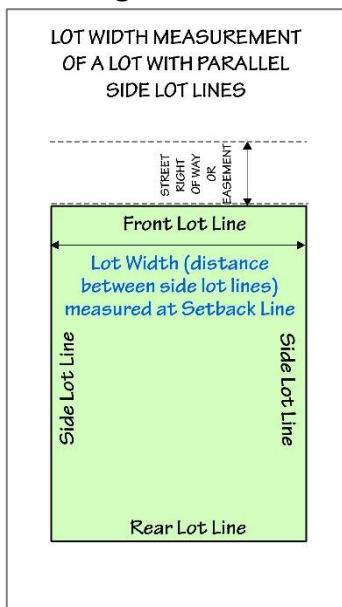
**Lot Depth.** The horizontal distance between the front and rear lot lines, measured along the median between side lot lines.

**Lot, Double Frontage.** Any interior lot having frontage on two (2) more or less parallel streets, or having frontage on a street and on a lake or stream, as distinguished from a corner lot. Double frontage lots shall maintain a front setback on each street frontage.

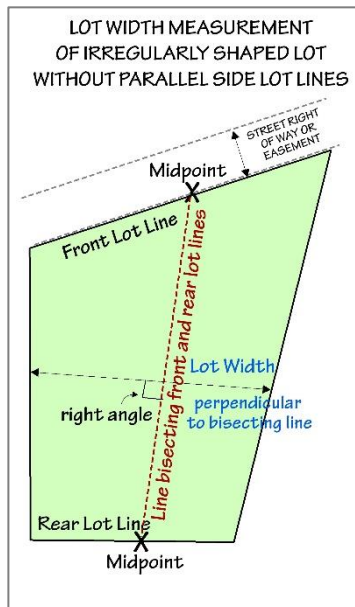
**Lot Width.** The horizontal distance, which is not necessarily parallel to the road right-of-way, between the side lot lines measured at the front setback line for lots with parallel side lot lines (**Figure A**). In the case of irregular shaped lots, the width shall be measured on a line drawn perpendicular to a line that bisects

the front and rear lot lines at a point midway along the front and rear lot lines (**Figure B**). In the case of a lot which has more than four (4) sides, the lot width shall be the minimum diameter of the largest circle that fits wholly within the lot (**Figure C**).

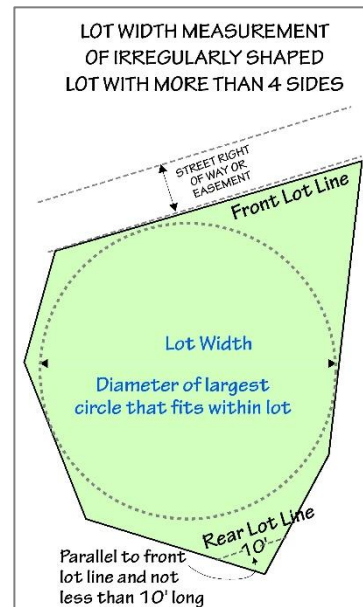
**Figure A**



**Figure B**



**Figure C**



## M

**Marina.** A facility for the docking, launching, servicing, sales, rental, and/or storage of watercraft. The sale of fuel and supplies for watercraft, groceries, convenience foods, and restaurant meals are accessory uses to an operating marina.

**Master Plan.** A comprehensive plan including graphic and written proposals indicating the general location for streets, parks, schools, public buildings, and all physical development of the Township and includes any unit or part of such plan, and any amendment to such plan or parts thereof.

**Medical Marihuana.** The following definitions are related to medical marihuana:

- A. **Enclosed, Locked Facility.** That term as defined in Section 3 of **Initiated Law 1 of 2008, as amended (Michigan Medical Marihuana Act, being MCL 333.26423)**.
- B. **Marihuana Establishment.** An enterprise at a specific location at which a licensee is licensed to operate under **Initiated Law 1 of 2018, Medical Regulation and Taxation of Marihuana Act, MCL 333.27951 et seq.**; including a marihuana grower, marihuana microbusiness, marihuana processor, marihuana retailer, marihuana secure transporter, or marihuana safety compliance facility.
- C. **Marihuana Facility.** An enterprise at a specific location at which a licensee is licensed to operate under

**2016 PA 281, Medical Marihuana Facilities Licensing Act**, MCL 333.27101 et seq.; including a marihuana grower, marihuana processor, marihuana provisioning center, marihuana secure transporter, or marihuana safety compliance facility. The term does not include or apply to a “primary caregiver” or “caregiver” as that term is defined in the **Michigan Medical Marihuana Act**, MCL 333.26421 et seq.

- D. **Medical Marihuana.** That term as defined in the **Public Health Code**, MCL 333.1101 et seq., the **Michigan Medical Marihuana Act**, MCL 333.26421 et seq.; the **Medical Marihuana Facilities Licensing Act**, MCL 333.27101 et seq.; and the **Marihuana Tracking Act**, MCL 333.27901 et seq.
- E. **Person.** An individual, corporation, limited liability company, partnership, limited partnership, limited liability partnership, limited liability limited partnership, trust, or other legal entity.
- F. **Primary Caregiver.** That term defined in Section 3 of **Initiated Law 1 of 2008, as amended (Michigan Medical Marihuana Act, being MCL 333.26423)** who is at least 21 years old and who has been registered by **State Department of Licensing and Regulatory Affairs** or any successor agency to assist with a Qualifying Patients’ use of medical marihuana.
- G. **Primary Caregiver Facility.** A building in which the activities of a Primary Caregiver are conducted.
- H. **Qualifying Patient.** That term defined in Section 3 of **Initiated Law 1 of 2008, as amended (Michigan Medical Marihuana Act, being MCL 333.26423)** who has been diagnosed by a physician as having a debilitating medical condition as provided by the Michigan Medical Marihuana Act and who has obtained a duly issued registry identification card from the **State Department of Licensing and Regulatory Affairs** or any successor agency.

**Mixed Use Development.** More than one (1) type of development on a single parcel of land; some of which may not be consistent with applicable zoning.

**Manufactured Home.** A structure, transportable in one (1) or more sections, which is built on a chassis and designed to be used as a dwelling with or without permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained in the structure. The term Manufactured Home does not include a recreational vehicle or a travel trailer.

**Manufactured Housing Community.** Any parcel or tract 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 and building, structure, enclosure, street, equipment, or facility used or intended for use incident to the occupancy of a manufactured home and which is not intended for use as a temporary travel trailer park.

**Manufactured Home Site or Space.** A portion of the manufactured housing community set aside and clearly marked and designated for occupancy and accommodation of an individual manufactured home.

**Manufacturing, Heavy.** The production, processing, cleaning, testing, and distribution of materials, goods, foodstuffs, and products. Heavy Manufacturing are those facilities in which the modes of operation of the



facility do have external effects and may directly affect nearby development. External effects shall include but are not limited to air contaminants, blown material, odor, noise, glare, gasses, electrical disturbance, heat, and vibration.

**Manufacturing, Light.** The production, processing, cleaning, testing, and distribution of materials, goods, foodstuffs, and products. Light Manufacturing are those facilities in which the modes of operation of the facility have no external effects and do not directly affect nearby development. External effects shall include but are not limited to air contaminants, blown material, odor, noise, glare, gasses, electrical disturbance, heat, and vibration.

**Motel.** A building or part of a building in which the dwelling units or rooming units are accessed from the exterior of the building and are used primarily for transient occupancy and in which one (1) or more of the following services are offered: maid service, furnishing of linen, telephone, secretarial or desk service, and bellboy service. A motel may include a restaurant or cocktail lounge and public banquet halls or meeting rooms. The term "motel" shall include tourist cabins, motor courts, automobile courts, auto cabins, motor lodges, and similar facilities within this definition, but it shall not include tourist homes, rooming houses, boarding houses, multiple-family dwellings, or hotels.

**Municipal Civil Infraction.** An act or omission that is prohibited by the Charter Township of Alpena Zoning Ordinance, but which is not a crime under this Ordinance or any other county ordinance, and for which civil sanctions, including fines, damages, expenses, and costs, may be ordered, as authorized by the **Revised Judicature Act, 1961 PA 236**, as amended, MCL 600.8701 to 600.8735.

## N

**Nonconforming Building.** A building or portion thereof, existing at the effective date of this Ordinance, or amendments thereto, that does not conform to the provisions of this Ordinance.

**Nonconforming Sign.** A sign lawfully existing on the effective date of this Zoning Ordinance, which does not comply with one (1) or more of the regulations set forth in this Zoning Ordinance.

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

**Nuisance.** 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, or the generation of an excessive or concentrated movement of people or things, such as, but not limited to: (A) noise, (B) dust, (C) smoke, (D) odor, (E) glare, (F) fumes, (G) flashes, (H) vibration, (I) shock waves, (J) heat, (K) electronic or atomic radiation, (12) objectionable effluent, (13) noise of congregation of people, particularly at night, (L) passenger traffic, (M) invasion of non-abutting street frontage by traffic, (N) a burned out structure, or (O) a condemned structure.

**Nursing Home.** See *Convalescent or Nursing Home*.

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**O**

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**Off-Street Parking Lot.** A facility providing vehicular parking spaces along with adequate drives and aisles for maneuvering so as to provide access for entrance and exit for the parking of automobiles.

**Ordinary High Water Mark.** For the purpose of establishing setback lines, the following definitions apply for inland lakes and Lake Huron:

- A. As defined in **Michigan Inland Lakes and Streams, Part 301 of PA 451 of 1994**, as amended, ordinary high water mark means the line between upland and bottomland that persists through successive changes in water levels, below which the presence and action of the water is so common or recurrent that the character of the land is marked distinctly from the upland and is apparent in the soil itself, the configuration of the surface of the soil, and the vegetation. On an inland lake that has a level established by law, it means the high established level. Where water returns to its natural level as the result of the permanent removal or abandonment of a dam, it means the natural ordinary high water mark.
- B. On Lake Huron, the ordinary high water mark is 581.5 feet above sea level as set by International Great Lakes Datum of 1985. However, for certain permitting purposes, the MDEQ may use an ordinary high water mark of 580.5 feet above sea level.

**Office.** A place where a business, executive, administrative, or professional activity is carried on (wherein goods, wares, or merchandise are not commercially treated, manufactured, fabricated, displayed, warehoused, exchanged, or sold), provided, however, this definition shall not preclude the interior display of or sale made from samples of merchandise normally associated with certain business services such as but not limited to manufacturer's representatives.

**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 usage that would result in the development of impervious surfaces shall not be included as open space.

**Outdoor Amusement Facility.** A commercial business that provides amusement facilities, such as miniature golf, carnival rides, rebound tumbling facilities, and other similar attractions and open to the general public.

**Outdoor Wood Burning Furnace.** Any device or structure that: (A) is designated, intended, or used to provide heat and/or hot water to any residence or other structure, (B) operates by the burning of wood, and (C) is not located within a structure. Excluded from the definition of an outdoor wood burning furnace is any device which is designed to heat only the structure in which it is located.

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**P**

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**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.

**Performance Guarantee.** A cash deposit, certified check, irrevocable bank letter of credit, or a performance or surety bond approved by the Charter Township of Alpena.

**Performance Standards.** A set of criteria or limits relating to nuisance elements (noise, odor, vibration, toxic and hazardous materials, radiation, flooding, and other similar occurrences) that a particular use or process may not exceed.

**Person.** An individual, corporation, co-partnership, association, firm, limited liability company, or any other legal entity.

**Planning Commission.** The body appointed by the Township Board under the provisions of the **Michigan Planning Enabling Act, 2008 PA 33**, as amended, MCL 125.3801 et. seq. Refers to the Charter Township of Alpena Planning Commission.

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

**Private Driveway.** A privately owned and maintained property which is used for vehicular ingress and egress for one (1) lot, parcel, and/or site condominium unit and is not less than fourteen (14') feet in width and cleared to a minimum height of fifteen (15') feet. In order to accommodate emergency vehicles, private driveways longer than three hundred (300') feet shall be designed with turn around space for such vehicles.

**Private Road.** A privately owned and maintained area of land which is intended for ingress and egress to more than one (1) lot, parcel, and/or site condominium unit. The following definitions relate to private roads:

- A. **Access.** The ability, right, or permission to approach, enter, speak with, ingress, egress or use admittance to a lot, parcel, site condominium unit and/or development of land whether a route is primary or auxiliary.
- B. **Improved.** Any change in roadway or right-of-way that results in significant changes to the road length, width, geometric design, or stormwater drainage patterns.
- C. **Right-of-Way.** The right of an owner of property by reasons of such ownership, to use the property of another for purposes of ingress, egress, utilities, drainage, and similar uses. In the context of this Ordinance, private right-of-way shall be designated for purposes of vehicle ingress and egress.
- D. **Proprietors.** Those constructing or desiring to construct a private road and all those property owners whose properties are being or are intended to be served by a private road.

**Public Road.** An open way of passage or travel under public ownership and/or maintenance.

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

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

## **R**

**Recreational Equipment.** Watercraft, boat trailers, snowmobiles and snowmobile trailers, horse trailers, dune buggies, tents, and other similar equipment.

**Recreational Vehicle.** See *Travel Trailer*.

**Recycling Center.** See *Resource Recovery Facility*.

**Residential Human Care Facility.** A facility (not within a private residence) providing any of the following:

- A. Emergency shelter and services for battered individuals and their children in a residential structure.
- B. Shelter and services for individuals receiving care, counseling, crisis support, and similar activities including court-directed services.
- C. Emergency shelter for individuals who are homeless.
- D. Services, programs, and shelter for residents who are undergoing alcohol or substance abuse rehabilitation.

**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 facility such as sporting goods and/or a restaurant.

**Restaurant.** A business located in a building where, in consideration for the payment of money, meals are habitually prepared, sold, and served to persons for consumption on or off the premises, having suitable kitchen facilities connected therewith, containing conveniences for cooking an assortment of goods that may be required for ordinary meals, and deriving the major portion of its receipts from the sale of food and complying with State and Federal health regulations.

**Resource Recovery Facility.** Machinery, equipment, structures, or any parts or accessories of machinery, equipment, or structures, installed or acquired for the primary purpose of recovering materials or energy from the waste stream. Also called a recycling facility or center.

**Retail Trade.** Establishments engaged in selling goods or merchandise to the general public for personal

or household consumption, and rendering services incidental to the sale of such goods.

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

**Roadway.** The part of a road or bridge used for vehicular travel.

**Rooming and/or Boarding Houses.** An owner-occupied, single-family dwelling containing guest rooms in which lodging is provided with or without meals for compensation and which is open to permanent guests only and where no provision is made for cooking in any guest room.

## S

**Salvage Yard.** A place where waste or discarded or salvaged materials are bought, sold, exchanged, stored, baled, packaged, disassembled, cleaned, or handled, including house and vehicle wrecking yards, used lumber yards, and places or yards for use of salvaged house and vehicle parts, and structural steel materials and equipment. Salvage Yard shall not include uses conducted entirely within a completely enclosed building, pawn shops, establishments for the sale, purchase, or storage of used cars in operable condition, salvaged machinery, used furniture and household equipment, and the processing of used, discarded, or salvaged materials as part of manufacturing operations.

**Satellite Dish Antenna.** A device incorporating a reflective surface that is solid, open mesh, or bar configured and is in the shape of a shallow dish, cone, horn, or cornucopia. Such device shall be used to transmit and/or receive radio or electromagnetic waves between terrestrially and/or orbitally based receivers or transmitters. This definition is meant to include but not be limited to what are commonly referred to as satellite earth stations, TVROs (television reception only satellite dish antennas), and satellite microwave antennas.

**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.

**Scrap Yard.** An establishment where scrap metals are collected, processed, stored, and/or sold.

**Seasonal Use.** Any use or activity that is not conducted during each month of the year.

**Seasonal Use Sales.** Sales establishments which exist on a temporary basis based on seasonal events such as Christmas tree sales, seasonal produce, and fireworks.

**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.

**Sexually Oriented Business.** A business or commercial enterprise engaging in any of the following: (A) adult arcade; (B) adult bookstore or adult video store; (C) adult cabaret; (D) adult motel; (E) adult motion

picture theater; (F) adult theater; (G) escort agency; (H) nude model studio; and (I) similar establishments.

A. **Adult Arcade.** Any place to which the public is permitted or invited wherein 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.

B. **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:

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

A commercial establishment may have other principal business purposes that do not involve the offering for sale or rental of material depicting or describing Specified Sexual Activities or Specified Anatomical Areas and still be categorized as an Adult Bookstore or Adult Video Store. The sale of such material shall be deemed to constitute a principal business purpose of an establishment if it occupies twenty-five (25%) percent or more of the floor area or visible inventory within the establishment.

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

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

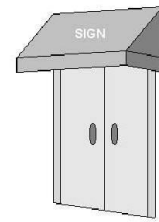
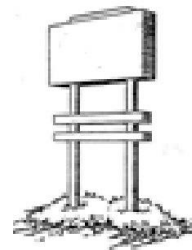
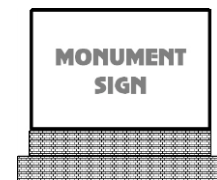
D. **Adult Motel.** A hotel, motel or similar commercial establishment that:

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

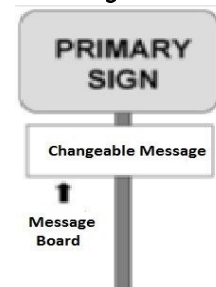
- photographic reproductions, or visual media that are characterized by the depiction or description of Specified Sexual Activities or Specified Anatomical Areas and has a sign visible from the public right of way that advertises the availability of any of the above;
2. Offers a sleeping room for rent for a period of time that is less than twelve (12) hours; or
  3. Allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than twelve (12) hours.
- E. **Adult Motion Picture Theater.** A commercial establishment which for any form of consideration, regularly and primarily shows films, motion pictures, video cassettes, slides, or other photographic reproductions or visual media that are characterized by depiction or description of Specified Sexual Activities or Specified Anatomical Areas.
- F. **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.
- G. **Escort Agency.** Any business, agency, or person who, for a fee, commission, hire, reward, or profit, furnishes or offers to furnish names of persons, or who introduces, furnishes, or arranges for persons, who may accompany other persons to or about social affairs, entertainments, or places of amusement, or who may consort with others about any place of public resort or within any private quarters.
- H. **Human.** Besides the customary meaning, the term “human” shall also include non-living anthropomorphic devices (resembling human), both physical and digital.
- I. **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.
- J. **Nudity or a State of Nudity.** Knowingly or intentionally displaying in a public place, or for payment or promise of payment by any person including, but not limited to payment 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 a woman's breastfeeding of a baby whether or not the nipple or areola is exposed during or incidental to the feeding.
- K. **Specified Anatomical Areas.** Means and includes any of the following:
1. Less than completely and opaquely covered.
    - a. Human genitals.

- b. Pubic region.
    - c. Buttocks.
    - d. Female breast below a point immediately above the top of the areola.
  - 2. Human male genitals in a discernible turgid state even if completely or opaquely covered.
- L. ***Specified Sexual Activities.*** Means and includes any of the following:
- 1. Human genitals in a state of sexual arousal;
  - 2. Acts of or simulated acts of human masturbation, sexual intercourse, sodomy, bestiality, fellatio, or cunnilingus; or
  - 3. Fondling or other erotic touching of human genitals, pubic region, buttocks, or female breast.
  - 4. Excretory functions as part of or in connection with any of the activities set forth in 1-3 above.
- Shopping Center.*** More than one (1) commercial retail establishment, planned, developed, owned, and managed as a unit, with off-street parking provided on the property.
- Short Term Rental.*** A dwelling which is unoccupied by the owner and which furnishes transient accommodations for compensation for periods of less than thirty (30) days.
- Sign.*** The use of any words, numerals, figures, devices, designs, or trademarks by which anything is made known (other than billboards) such as are used to display a message and are visible to the general public.
- A. ***Abandoned Sign.*** A sign to which any of the following applies:
- 1. The sign has remained blank over a period of one (1) year.
  - 2. The sign's message becomes illegible in whole or substantial part.
  - 3. A sign which has fallen into disrepair.
- B. ***Accessory Sign.*** A permanent sign which is subordinate to the primary sign and customarily incidental to, and on the same lot as, the principal sign. Accessory signs provide ancillary information to support the principal use of the premises.

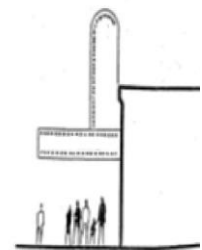
- C. **A-Frame Sign.** Self-supporting temporary sign consisting of two (2) panels hinged at the top providing advertising on each panel and can be readily moved within a property or to another property. Also called “sandwich board.”
- D. **Awning or Canopy Sign.** A sign painted on, printed on, or attached flat against the surface of an awning or canopy.
- E. **Cluster Sign.** An on-premises sign which identifies a complex of establishments on one (1) parcel and contains multiple signs on one (1) structure including one (1) for each establishment and one (1) for the complex as a whole.
- F. **Freestanding Sign.** A sign which is attached to or part of a completely self-supporting structure. The supporting structure shall be placed in or below the ground surface and not attached to any building or any other structure whether portable or stationary. Freestanding signs include monument-style signs.
- G. **Marquee Sign.** Any sign attached to or supported by a marquee structure.
- H. **Message Center, Static.** A sign with a changeable display/message consisting of alphabetic, pictographic, or symbolic informational content that must be changed manually by non-electronic means.
- I. **Message Center, Electronic.** A sign with a changeable display/message consisting of alphabetic, pictographic, or symbolic informational content that is composed of a series of lights that may be changed through electronic means.
- J. **Off-Premise Advertising Sign (Billboard).** A billboard shall mean any structure or portion thereof designed or intended to be used for posting, painting, or otherwise affixing any advertising sign which does not pertain to the premises or to the use of the premises on which the billboard is located or to goods sold or services rendered or activities conducted on such premises.

Awning or  
Canopy SignFreestanding  
SignFreestanding  
Sign

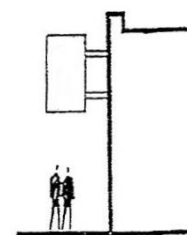
Message Center



Marquee Sign



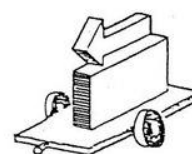
Projecting Sign





- K. **Portable Changeable Copy Message Board.** Any changeable copy sign not permanently attached to the ground or a building and is designed to be transported by some means such as a trailer or wheels. Portable changeable copy message boards are not permitted in the Charter Township of Alpena.

Portable  
Changeable Copy  
Message Board

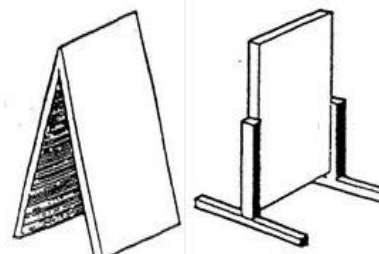


- L. **Projecting Sign.** A sign, other than a wall sign, which is perpendicularly attached to, and projects from a structure or building wall not specifically designed to support the sign.

- M. **Roof Sign.** Any sign wholly erected to, constructed/or maintained on the roof structure of any building.

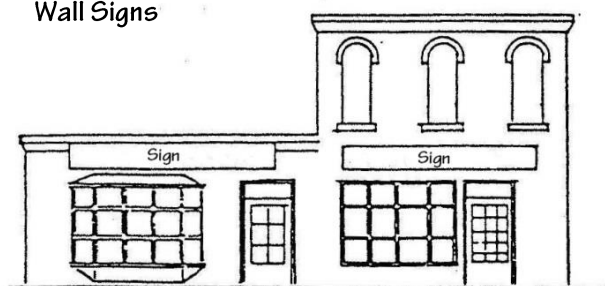
- N. **Temporary Sign.** A display sign, banner, or other advertising device constructed of cloth, canvas, fabric, plastic, or other light temporary material, with or without a structural frame, or any other sign intended for a limited period of display, but not including decorative displays for holidays or public demonstration. A temporary sign shall not be used as a substitute for a permanent on-premise sign, except as permitted within this Ordinance. A temporary sign is one that is not affixed to the ground permanently and can be easily moved.

Temporary Signs



- O. **Wall Sign.** Any sign that shall be affixed parallel to the wall or printed or painted on the wall of any building; provided, however, said wall sign shall not project above the top of the wall or beyond the end of the building. For the purpose of this Ordinance, any sign display surface that is affixed flat against the sloping surface of a mansard roof shall be considered a wall sign.

Wall Signs



#### Sign Area.

- A. The sign face area shall be computed by including the entire area within a single, continuous perimeter of not more than eight (8) straight lines or a circle or an ellipse enclosing the extreme limits of the writing, representation, emblem, or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the back drop or structure against which it is placed, but not including any supporting framework or bracing that is clearly incidental to the display itself.
- B. If the sign consists of more than one (1) section or module, all of the area, including that between sections or modules, shall be included in the computation of the sign face area.

- C. With respect to two-sided, multi-sided, or three dimensional signs, the sign face area shall be computed by including the total of all sides designed to attract attention or communicate information that can be seen at any one time by a person from one vantage point, without otherwise limiting the generality of the foregoing.
- D. The sign face of a double-faced, back-to-back sign shall be calculated by using the area of only one (1) side of such sign, so long as the distance between the backs of such signs does not exceed three (3') feet.
- E. The sign face area of a double-faced sign constructed in the form of a "V" shall be calculated by using the area of only one side of such sign (the larger side if there is a size difference) so long as the interior angle of the "v" does not exceed thirty (30°) degrees and at no point does the distance between the backs of such sides exceed five (5') feet.

**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 Surface.** That part of the sign upon, against, or through which the message is displayed or illustrated.

**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 (50%) percent of the structure is devoted to making crafts while the remainder of the structure is devoted to sales.

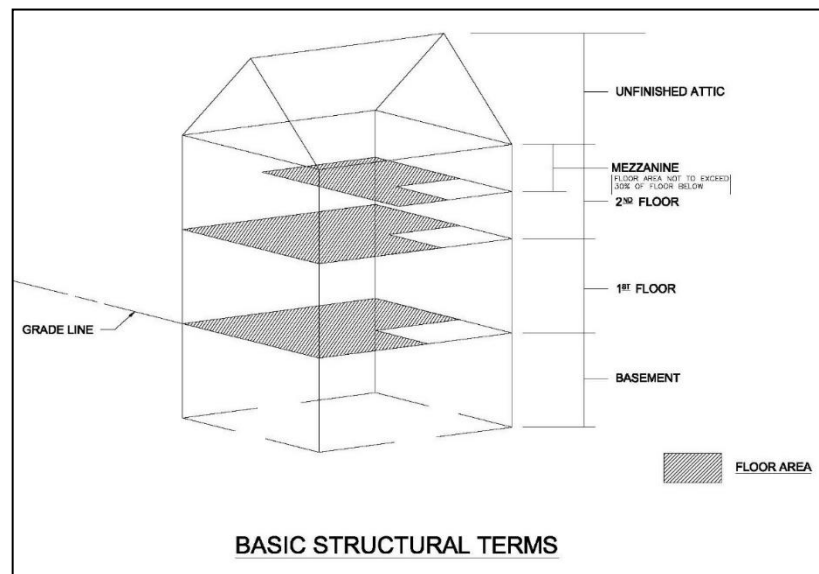
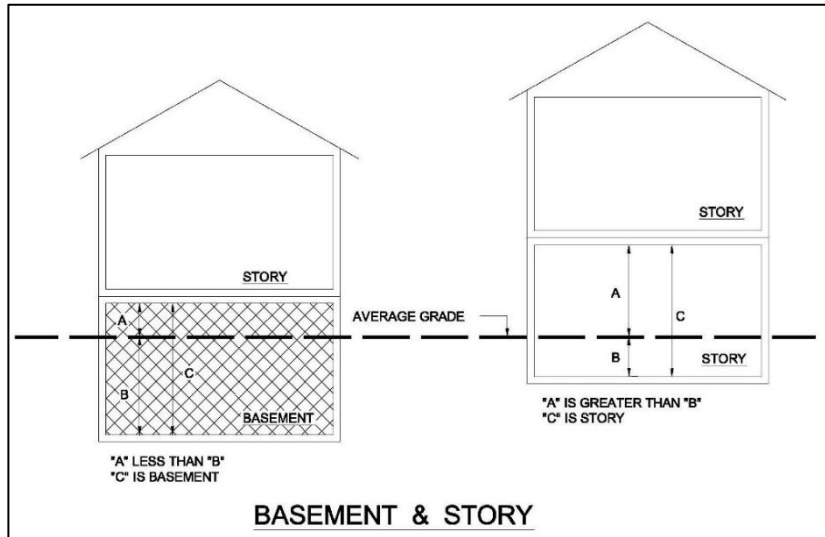
**Solar Energy Facility (Utility Scale).** A facility designed to capture and utilize the energy of the sun to generate electrical power to be used off-site. A solar energy collection facility consists of an array of solar collection devices used to collect solar rays and all associated ancillary and structural devices needed to support and convert/transmit the energy collected.

**Special Land Use.** A use permitted within certain Zoning Districts that is generally compatible with permitted uses but which possesses characteristics that could impact adjacent properties and which requires individual review and public hearing to ensure compatibility with the character of the surrounding area, adjacent properties, and public services and facilities. Special Land Uses subject to conditions stated in this Ordinance and to any special conditions imposed by the Planning Commission to protect the use by right of other properties in the Township.

**Storage.** To leave or deposit in a place for preservation or disposal in one (1) or more of the following ways:

- A. **Storage-Accessory.** Storage which is accessory to the principal use of the premises.
- B. **Storage Facility.** A building or property on which storage is carried out as the principal use of the property.

**Story.** That portion of a building, other than a basement or mezzanine, included between the surface of any floor and the floor next above it, or if there be no floor above it, then the space between the floor and the ceiling next above it. A "mezzanine" floor shall be deemed a full story only when it covers more than thirty (30%) percent of the area of the story underneath said mezzanine, or if the vertical distance from the floor next below it to the next above it is twenty-four (24') feet or more. A basement shall be considered a full story only if fifty (50%) percent 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.



**Street, Public.** A public thoroughfare which affords the principal means of access to abutting property.

**Structure.** Anything constructed or erected, the use of which requires permanent location on the ground or attachment to something having a permanent location on the ground.

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**T**

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**Temporary Building or Use.** A structure or use permitted to exist during periods of construction of the main building or use or for special events or situations.

**Thoroughfare, Major.** An arterial street which is intended to serve as a large volume traffic way for both the immediate Township area and the region beyond, and may be designated as a major thoroughfare, parkway, freeway, expressway, or equivalent term.

**Thoroughfare, Secondary.** An arterial street which is intended to serve as a traffic way, serving primarily the immediate Township area and serving to connect with major thoroughfares.

**Tiny Home.** A freestanding dwelling unit which is less than the minimum dwelling unit size in the district but not less than two hundred fifty (250) square feet.

**Tourist Home.** Any dwelling, occupied as a dwelling unit, used or designed in such a manner that certain rooms, in excess of those used by the family, are rented to the public for compensation and shall cater primarily to the public traveling by motor vehicle. Tourist homes may also be designated as Bed and Breakfast Facilities.

**Townhouse.** See *Dwelling, Single Family Attached*.

**Tower.** See *Wireless Communications (Telecommunications Towers and Facilities Definitions)*.

**Township.** The Charter Township of Alpena.

**Travel Trailer.** A vehicular portable structure mounted on wheels and of a size and weight as not to require special highway movement permits when drawn by a stock passenger motor vehicle, or when drawn with a fifth wheel hitch mounted on a motor vehicle, or self-propelled, and is primarily designed, constructed, and used to provide temporary living quarters for recreational camping or travel. For the purpose of this Ordinance the term travel trailer shall include self-propelled motor homes, truck campers, fifth wheel trailers, and tent trailers or any other vehicle with sleeping quarters. Also called a Recreational Vehicle (RV).

**Travel Trailer Park.** An area designated for the temporary use of recreational vehicles, travel trailers, tenting, camping, or other forms of temporary occupancy.

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**U**

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

**Use, Principal.** The primary use to which the premises are devoted.

## V

**Variance.** A modification of the literal provisions of the Zoning Ordinance which is authorized by the Zoning Board of Appeals when strict enforcement of the Ordinance would cause either an unnecessary hardship or practical difficulty.

**Variance, Non-Use.** A dimensional variation of Ordinance standards such as yard requirements, building height, lot coverage, living space dimensions, and similar requirements. Non-Use Variances are granted based on the showing of a practical difficulty.

## W

**Wall.** See Fence or Wall.

### **Wind Turbine Definitions.**

A. **Wind Turbine Generator (WTG), Utility Grid or Commercial.** A tower, pylon, or other structure, including all accessory facilities, upon which any, all, or some combination of the following are mounted:

1. A wind vane, blade, or series of wind vanes or blades, or other devices mounted on a rotor for the purpose of converting wind into electrical or mechanical energy.
2. A shaft, gear, belt, or coupling device used to connect the rotor to a generator, alternator, or other electrical or mechanical energy producing device.
3. A generator, alternator, or other device used to convert the energy created by the rotation of the rotor into electrical or mechanical energy.

B. **Wind Turbine Generator, On-Site or Private.** A wind turbine generator used primarily to generate electricity or produce mechanical energy for home, farm, or small business use on the property where located with a wind generation tower height of one hundred (100') feet or less and generation of twenty-five (25) kw or less of electricity. Sale of electric power via Net Metering is allowed.

C. **Wind Turbine Generator Tower Height.**

1. **Horizontal Axis Wind Turbine Rotors.** The distance between the ground and the highest point on the arc of the rotor wind blades mounted on a horizontal axis wind turbine generator.
2. **Vertical Axis Wind Turbine.** The distance between the ground and the highest point of the wind turbine generator including the top of the blade in its vertical position.

D. **Ambient.** Ambient is defined as the sound pressure level exceeded ninety (90%) percent of the time.

E. **Anemometer.** A device used to measure wind speed.

- F. **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.
- G. **Decibel.** The unit of measure used to express the magnitude of sound pressure and sound intensity.
- H. **Horizontal Axis Wind Turbine.** A wind turbine generator in which the rotor(s) rotate around a horizontal shaft.
- I. **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 the window of a dwelling.
- J. **Vertical Axis Wind Turbine.** A wind turbine generator in which the rotor rotates around a vertical shaft.

***Wireless Communications (Telecommunication Towers and Facilities Definitions).***

- A. **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.
- B. **Antenna Array.** One or more rods, panels, discs or similar devices used for the transmission or reception of radio frequency signals, which may include omni-directional antenna (rod), directional antenna (panel), and parabolic antenna (disc). The Antenna Array does not include the Support Structure.
- C. **Co-location.** The placement or installation, by one (1) or more wireless communication providers, of multiple sets of wireless communication equipment on a common support structure, with the objective of reducing the overall number of structures required to support wireless communication antennas within the community.
- D. **Height.** When referring to a Wireless Communication Facility, height shall mean the distance measured from ground level to the highest point on the Wireless Communication Facility, including the Antenna Array.
- E. **FAA.** Federal Aviation Administration.
- F. **Personal Wireless Services Telecommunications Tower.** Self-supporting or guyed tower of one hundred fifty feet (150') or less that provides data and internet access within a three to five (3-5) mile radius.
- G. **Setback.** The required distance from the property line of the parcel on which the Wireless Communication Facility is located to the base of the Support Structure.

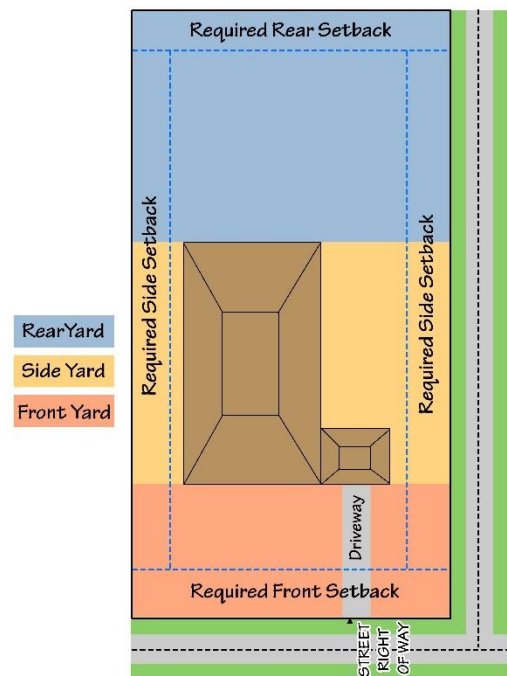


- H. **Wireless Communications.** Television and radio towers, as well as any personal wireless service as defined in the **Telecommunications Act of 1996**, as amended, which includes FCC licensed commercial wireless telecommunications services including cellular, personal communication services (PCS), specialized mobile radio (SMR), enhanced specialized mobile radio (ESMR), paging, and similar services that currently exist.
- I. **Wireless Communications Equipment.** The set of equipment and network components used in the provision of wireless communications services, including, but not limited to antennas, transmitters, receivers, base stations, equipment shelters, cabinets, emergency generators, power supply cables, and coaxial and fiber optic cables, but excluding wireless communications support structures.
- J. **Wireless Communication Facility.** Any facility for the transmission and/or reception of wireless communications services, usually consisting of an Antenna Array, connection cables, Wireless Communications Equipment and a Support Structure. A Wireless Communication Facility also includes an Antenna Array attached to an existing building or structure.
- K. **Wireless Communications Support Structure.** Structures erected or modified to support wireless communication antennas. Support structures within this definition include, but shall not be limited to, monopoles, lattice towers, light poles, wood poles and guyed towers, or other structures which appear to be something other than a mere support structure. **Personal Wireless Services Telecommunications Towers** fall under the definition of a Wireless Communication Support Structure.

## Y

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

- A. **Front Yard.** An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the nearest line of the main building.
- B. **Rear Yard.** An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and the nearest line of the main building.
- C. **Side Yard.** An open space between the main building and the side lot line, extending from the front yard to the rear yard, the width of which is the horizontal distance from the nearest point to the side lot line to the nearest point of the main building.





Z

**Zoning Administrator.** The person retained by the Charter Township of Alpena to administer and enforce this Zoning Ordinance.

**Zoning Board of Appeals.** The Charter Township of Alpena Zoning Board of Appeals, whose duties and powers are detailed in **Article 8**.

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

Charter Township of



# Article 3

## General Provisions

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### Section 300 Scope

#### A. Conformance to Ordinance Required.

1. No building or structure, or part thereof, shall hereafter be erected, constructed, or altered and maintained, and no new use or change shall be made to any building, structure, or land, or part thereof, except in conformity with the provisions of this Ordinance.
2. Zoning affects every structure and use, and extends vertically from the ground up.
3. 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 cease

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operations by any legal means necessary and such use, activity, building, or structure shall not be allowed to function until it is brought into conformance with this Ordinance.

#### B. Uses, Activities, and Construction Already Begun.

In the event that any lawful use, activity, building, or structure which exists or has begun substantial 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 be allowed to remain as such, including completion of construction. Nonconforming uses are regulated by **Section 312**.

#### C. Minimum Lots and Yards Required.

1. 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.
2. No parcel may be divided in a manner which conflicts with the requirements set forth in the **Michigan Land Division Act, 1967 PA 288**, as amended.
3. 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.

#### D. Moving of Buildings.

The moving of a building to a different location shall be considered the same as erection of a new building, and all provisions, regulations, or requirements relative to the erection of a new building shall be applicable thereto.

### Section 301 Principal Use/Main Building Per Lot

Except as otherwise specifically permitted, no lot may contain more than one (1) main building or principal use, excepting groups of apartment buildings, cottage-style single-family dwellings (as part of a multi-family development), offices, retail business buildings, agricultural structures, or other similar groups of buildings the Planning Commission considers to be main buildings or principal uses.

**Section 302 Sanitary Provisions – Sewage & Water Facilities**

Because adequate water and sewage facilities are vitally necessary to ensure the health and general welfare of Township residents, the regulations herein set forth are deemed necessary to promote reasonably safe sanitary conditions in Township areas. These requirements need not apply to premises which are served by a community or municipal water supply and sewage disposal system.

**A. Permit Required.**

No person shall cause to be constructed, reconstructed, or expanded any outside toilet, septic tank, drain field, or water supply facility without first obtaining a permit from the designated Health Officer. Permits are required for new developments as well as for any extensions or expansions of existing uses.

**B. Information Required.**

Persons wishing to obtain a sanitary facilities permit shall present sufficient information to enable the officer to identify the premises and its basic characteristics, and specifically must include:

1. A plot plan(s) which clearly shows all existing property features including, but not limited to: existing and proposed buildings, soil types, bodies of water, adjacent streets, topographic features, and all existing and proposed underground utilities.
2. Legal property description, existing owners, and name of and address of applicant.
3. Statement as to the intended use of the premises as well as the intensity of use.
4. The health officer may require soil test borings as deemed necessary to assess the reasonable adequacy of proposed sanitary facilities for the type of intensity of land use proposed.

**C. Design Specifications.**

In laying out and designing water supply and sewage facilities, the following standards shall be used in so far as possible for the reasonable use of the premises, but shall not be modified without the consent of responsible health authorities (State, County and/or Township):

1. Outside toilets may be constructed only in Forest Recreation and Conservation Districts, and shall be in accordance with current County and State health and environmental regulations.
2. All septic tank and disposal field systems shall be constructed in accordance with the Sanitary Code of the District Health Department.
3. An adequate supply of safe water shall be provided from a source which complies with current County and State health and environmental regulations.

4. The isolation standards shall apply to all individual water supply and sewage disposal systems in the Township as set forth by the rules and regulations of the District Health Department.

**D. Permit Issued.**

Upon approval of the proposed water supply and sewage facilities by the designated Health Officer, a permit shall be issued. No occupancy permit for the premises shall be issued until the Zoning Administrator or Health Officer has inspected the completed installation and given approval thereof.

### **Section 303 Restoration of Unsafe Buildings/Barrier Free Modification**

- A. Nothing in this Ordinance shall prevent the strengthening or restoring to a safe condition of any part of any building or structure declared unsafe by the Building Official.
- B. Nothing in this Ordinance shall prevent the modification of a non-residential building only as may be necessary to comply with barrier-free requirements of the Americans with Disabilities Act. A variance may be required for modification as stated herein. The need for such a variance shall be determined by the Zoning Administrator.

### **Section 304 Access Required**

Every main building hereafter erected or moved after the effective date of this Ordinance shall be located on a lot adjacent to a public street, easement which provides access to a public street, or with access to an approved private road, and all structures shall be located on lots as to provide safe and convenient access for emergency services and, if applicable, required off-street parking.

### **Section 305 Accessory Buildings**

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

**A. Attached Accessory Buildings.**

Where the accessory building is structurally attached to a main building, it shall be subject to and must conform to, all yard regulations of this Ordinance applicable to main buildings.

**B. Setbacks.**

1. **Front Yard.** Residential accessory buildings shall not be erected in any front yard setback. Residential accessory buildings shall not be erected in the front yard of any platted subdivision, planned unit development, or site condominium development. On waterfront lots, residential

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accessory buildings may be located in the front yard (waterfront side) or the rear yard (street side).

2. **Location Relative to Main Building.** No detached residential accessory building shall be located closer than ten (10') feet to any main building except when fire resistance rating standards of the current building code are met.
3. **Side and Rear Setbacks.** No detached residential accessory building shall be located closer than five (5') feet to any side or rear lot line, except in those instances where the rear lot line is contiguous with any alley right-of-way, in which case, the accessory building shall be located no closer than one (1') foot to such rear lot line. In no instance shall an accessory building be located within a dedicated easement right-of-way. A residential accessory building may occupy not more than thirty-five (35%) percent of a required rear yard (rear setback).
4. **Reversed Corner Lots.** When an accessory residential building is located on a corner lot, the side lot line of which is substantially a continuation of the front lot line of the lot to its rear, said accessory building shall not project beyond the front yard line required on the lot in the rear of such corner lot.

#### C. Size of Accessory Buildings.

1. In the WR and R-1 Districts, and on lots in all other districts which do not meet the parcel size requirements of **Subsection C.2** below, residential accessory buildings exceeding the ground floor area of the main building, but not exceeding two hundred (200%) percent of the ground floor area of the main building, may be allowed only as a Special Land Use, subject to site plan approval.
2. In all other districts, where parcel size is equal to or greater than forty thousand (40,000) square feet and parcel width is equal to or greater than one hundred fifty (150') feet, residential accessory buildings not exceeding two hundred (200%) percent of the main building ground floor area shall be considered a permitted use. Residential accessory buildings exceeding two hundred (200%) percent of the main building ground floor area may be allowed only as a Special Land Use, subject to site plan approval.

#### D. Height.

Detached accessory building(s) in the WR and R-1 Districts shall not exceed one (1) story or seventeen (17') feet in height, whichever is the greater. Accessory buildings in all other districts may be constructed to equal the permitted maximum height of structures in said Districts.

#### E. Accessory Buildings on Lots without a Main Building.

1. **WR and R-1 Districts.** Construction of a residential accessory building in WR or R-1 Districts may occur prior to the associated main residential building only when a building permit for the main residential building has been approved by the Charter Township of Alpena. An exception to this

requirement may be made for parcels greater than five (5) acres in the WR and R-1 Districts, where an accessory building may be constructed without the need for a building permit for a residence. However, such accessory building shall be secluded, sited in wooded areas, and not visible from outside the property lines or from the water if on a waterfront lot. Further, these accessory buildings shall be used for cold storage only.

2. **All Other Districts.** A residential accessory building may be constructed without the need for a building permit for a main residential building.

#### F. **Nontraditional Storage Facilities.**

1. Truck bodies, school bus bodies, manufactured 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 and industrial uses in the rear or side yard only.
2. **Shipping Containers.** Shipping containers shall be allowed to be used as accessory buildings for storage purposes for up to three (3) years maximum. Shipping containers shall be either painted or sided to blend in with the natural landscape.

#### G. **Accessory Building as a Dwelling.**

No accessory buildings shall be used for human occupancy unless otherwise permitted in this Ordinance.

### Section 306 Recreational Vehicles (Travel Trailers) & Watercraft

#### A. **Storage of Recreational Vehicles and Watercraft.**

No more than one (1) recreational vehicle and one (1) watercraft may be stored on a lot.

#### B. **Occupied Recreational Vehicle.**

One (1) recreational vehicle may be parked and occupied on a parcel of land, whether the land is developed or vacant, for no more than ninety (90) consecutive days.

### Section 307 Loud Speakers or Public Address System

No loud speaker or public address system shall be used except by written consent of the Township Supervisor wherein it is determined that no public nuisance or disturbance will be established.

### Section 308 Yard, Rummage, & Garage Sales

Notwithstanding other provisions of this Ordinance, yard, rummage, and garage sales shall be permitted in any Zoning District where single-family residential use is allowed. However, allowable sales shall be

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limited to not more than two (2) sales per year of a maximum three (3) days duration each. Sale items shall be limited to general household goods and clothing.

## Section 309 Pets, Domestic Animals, & Chickens/Duck/Geese

- A. Domestic household pets, including, but not limited to, dogs, cats, and birds but not including poisonous/venomous or dangerous reptiles, or wild or dangerous animals, may be kept as an accessory use on any premises, provided that not more than three (3) adult animals of any one (1) species are kept, and reasonable control is maintained to prevent nuisances to adjoining properties as per **Subsection B**. An exception to the number of pets or domestic animals shall be made for properties of ten (10) acres or more in the C, A, and FR Districts where the number shall not be restricted.
- B. Domestic animal control is the owner's responsibility to maintain and prevent nuisance to adjoining properties. Nuisance includes but is not limited to noise, odor, and trespass. Animals let outside, if left unattended, are to be penned, put on a leash, or tethered to a run to keep them safely in their yard and off roadways and neighboring property.
- C. **Chickens, Ducks, and Geese – Special Use in R-1, R-2, R-3 and WR Districts.**

Chickens, ducks, or geese may be kept on lots, in the R-1, R-2, R-3 and WR Districts which are classified as Category 4 sites by the **Michigan Department of Agriculture and Rural Development's "GAAMP for Site Selection and Odor Control for New and Expanding Livestock Facilities,"** upon issuance of a Special Land Use Permit and according to the following conditions:

1. Roosters are prohibited.
2. Chickens, ducks or geese must be kept in and confined in a properly designed and constructed coop or a fenced and covered enclosure, which may be located only in the rear yard of the property.
3. Each fenced and covered enclosure shall be designed with adequate yard space for each bird, and the coop and the fenced and covered enclosure combined shall not cover more than fifty (50%) percent of the rear yard. Enclosures must be clean and resistant to predators and rodents.
4. Enclosures shall be located at least twenty-five (25') feet from any dwelling on a neighboring parcel.
5. No chickens, ducks, or geese shall be kept on parcels with more than one (1) dwelling.

## Section 310 Manufactured Homes as Temporary Dwelling Units

A manufactured home not meeting the requirements of **Section 311**, below, may be used as a temporary dwelling until the owner or occupant thereof completes the construction or erection of a conventional

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housing unit for which a building permit has been issued. Upon application, the applicant may obtain a permit for an initial period not to exceed two (2) years from the effective date of the permit, and, upon showing reasonable progress as determined by the Zoning Administrator, may renew the permit for not more than one (1) additional year from the expiration date of the original temporary permit. Upon completion of the permanent dwelling, the temporary manufactured home shall be removed from the premises. Said temporary dwelling shall be removed upon issuance of the Certificate of Occupancy permit for the primary dwelling.

## Section 311 Manufactured Homes

Manufactured homes sited on individual lots or parcels and not in a manufactured housing community shall meet the standards for minimum lot size, yard setbacks, minimum floor area, and minimum dwelling unit width for the district in which they are located and shall meet the following additional standards:

- A. The unit meets the building code currently in effect for the Charter Township of Alpena.
- B. If the manufactured home is more than ten (10) years old at the time of placement, the owner shall provide evidence of building, plumbing, and electrical inspection to the Township Building/Zoning Inspector prior to placement.
- C. A manufactured home shall not be used as an accessory building.
- D. 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.
- E. Manufactured homes shall be installed according to manufacturer's set up requirements and 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 **National Mobile Home Construction and Safety Standards Act of 1974**, as amended.
- F. 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.

## Section 312 Nonconformities

### A. Intent.

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

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2. It is the intent of this Ordinance to permit these nonconformities to continue until they are removed but not to encourage their survival.
3. To avoid undue hardship, nothing in this Ordinance shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this Ordinance and upon which actual building construction has been diligently carried on. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner, except that where demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such demolition or removal shall be deemed to be actual construction, provided that work shall be diligently carried on until completion of the building involved.

#### B. Nonconforming Lots.

In any district, notwithstanding limitations imposed by other provisions of this Ordinance, any single lot of record existing at the effective date of adoption or amendment of this Ordinance may be developed. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the district, provided that setbacks and other requirements not involving area or width, or both, of the lot shall conform to the regulations for the district in which said lot is located. Variance to yard requirements shall be obtained through the Zoning Board of Appeals, if needed.

#### C. Nonconforming Structures.

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

1. **Alteration.** No such structure may be enlarged or altered in a way which increases its nonconformity.
2. **Destruction.** Should such structure be destroyed by any means to an extent of more than fifty (50%) percent of its replacement cost at time of destruction, it shall not be reconstructed except in conformity with the provisions of this Ordinance.
3. **Re-Location.** Should such structure be moved for any reason for any distance whatsoever, it shall thereafter conform to the setback regulations for the district in which it is located after it is moved.

#### D. Nonconforming Use of Land.

Where, at the effective date of adoption or amendment of this Ordinance, lawful use of land exists that is

made no longer permissible under the terms of this Ordinance as enacted or amended, such use may be continued, so long as it remains otherwise lawful, subject to the following provisions:

1. **Enlargement, Expansion, Alteration or Re-Location on a Parcel.**

- a. **Expansion Throughout a Building.** Any nonconforming use may be carried on throughout any parts of a building which were manifestly arranged or designed for such use, and which existed at the time of adoption or amendment of this Ordinance, but no such use shall be extended to occupy any land outside such building.
- b. **Expansion to Occupy a Greater Area of Land.** No such nonconforming use shall be enlarged or increased nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Ordinance except as provided in **Subsection D.1.e below.**
- c. **Expansion/Alterations to Structure.** No existing structure devoted to a nonconforming use shall be enlarged, extended, constructed, reconstructed, moved, or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located except as provided in **Subsection D.1.e below.**
- d. **Re-Location on the Parcel.** No such nonconforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of this Ordinance except as provided in **Subsection D.1.e below.**
- e. **Expansion/Enlargement by Special Land Use.** The Planning Commission, by the issuance of Special Land Use approval may allow that which is not allowed in **Subsections b, c and d** above, provided that it is conclusively shown that such extension or enlargement:
  - (1) Will not reduce the value or otherwise limit the lawful use of adjacent premises.
  - (2) Will essentially retain the character and environment of abutting premises.
  - (3) Will not cause, perpetuate, or materially increase any nuisance aspects of the use upon adjacent uses (such as noise, glare, traffic congestion, or land overcrowding).

2. **Abandonment.** If such nonconforming use of land is abandoned for any reason other than because of the seasonal nature of the business or operation, for a period of more than two (2) years, any subsequent use of such land shall conform to the regulations specified by this Ordinance for the district on which such land is located. When determining the intent of the property owner to abandon a nonconforming use, the Zoning Administrator shall consider the following factors:

- a. Whether utilities such as water, gas, and electricity to the property have been disconnected.
- b. Whether the property, buildings, and grounds have fallen into disrepair.

- c. Whether signs or other indications of the existence of the nonconforming use have been removed.
  - d. Whether equipment or fixtures necessary for the operation of the nonconforming use have been removed.
  - e. Other information or actions that evidence an intention on the part of the property owner to abandon the nonconforming use or structure.
3. **Change to Another Nonconforming Use.** No nonconforming use shall be changed to another nonconforming use unless the Zoning Board of Appeals issues a use variance pursuant to **Article 8**.
  4. **Change to a Permitted Use.** If a nonconforming use is superseded by a permitted use, the nonconforming use may not thereafter be resumed.
  4. **Destruction of a Nonconforming Use.** Where nonconforming use status applies to a structure and premises in combination, removal or destruction of the structure to an extent of more than fifty (50%) percent of its replacement costs at the time of destruction, shall eliminate the nonconforming status of the land.
  5. **Exceptions for Nonconforming Use Category.** General exceptions allowed under **Section 331** or Special Land Uses approved under other provisions of this Ordinance shall not be considered nonconforming uses.

**E. Change of Tenancy or Ownership.**

There may be a change of tenancy, ownership, or management of any existing nonconformity provided there is no change in the nature or character of such nonconforming uses.

## **Section 313 Performance Standards**

No use otherwise allowed shall be permitted which does not conform to the following standards of use, occupancy, and operation, which standards are hereby established as the minimum requirements to be maintained within said area:

**A. Smoke, Dust, Dirt and Fly Ash.**

It shall be unlawful for any person, firm, or corporation to permit the emission or discharge of any smoke, dust, dirt, or fly ash in quantities sufficient to create a nuisance within the Township.

**B. Drifted and Blown Material.**

Property owners shall take appropriate measures to ensure the prevention of drifting of airborne particles or debris beyond their lot lines. Any such activity shall be promptly abated upon notification by the Township. During times of stockpiling or removal, excavation, or grading, those measures, necessary and practical (dampening, etc.), will be taken to minimize the blowing and drifting of material.

### C. Open Storage.

The open storage of any equipment, vehicles and all materials including wastes, shall be screened from public view, from public streets, and from adjoining properties by an enclosure consisting of a wall or an obscuring fence of a height of not less than six (6') feet to obscure such stored materials. Scrap, junk cars, and other junk materials shall not be piled or stacked as open storage to a height in excess of twenty (20') feet.

### D. Glare and Radioactive Materials.

Glare from any process (such as or similar to arc welding or acetylene torch cutting) which emits harmful rays shall be permitted in such a manner as not to extend beyond the property line, and as not to create a public nuisance or hazard along lot lines. Radioactive materials and wastes, and including electromagnetic radiation such as X-ray machine operation, shall not be emitted to exceed quantities established as safe by the National Institute of Standards and Technology (NIST) when measured at the property line.

### E. Fire and Explosive Hazards.

The storage, utilization, or manufacture of materials or products ranging from incombustible to moderate burning, as determined by the Township's fire protection authority, is permitted subject to compliance with all other yard requirements and performance standards previously mentioned, and providing that the following conditions are met:

1. Said materials or products shall be stored, utilized or produced within completely enclosed buildings or structures having incombustible exterior walls.
2. All such buildings or structures shall be set back at least forty (40) feet from the lot lines and all such buildings or structures shall be protected throughout by an automatic sprinkler system complying with installation standards prescribed by the National Fire Association.
3. The storage and handling of flammable liquids, liquefied petroleum, gases, and explosives shall comply with the State Rules and Regulations as established by the **Fire Prevention Code, 1941 PA 207**, as amended.

### F. Odors.

Any condition or operation which results in the creation of odors of such intensity and character as to be detrimental to the health and welfare of the public or which interferes unreasonably with the

comfort of the public shall be removed, stopped, or so modified as to remove the odor. The provisions of this Subsection are not intended to apply to farming activities.

1. For new facilities (commercial or industrial), the most recent technologies shall be utilized to reduce odors, as part of or in addition to any conditions included in State and/or Federal regulatory agency air/water quality permit(s). As part of the site plan review, the applicant shall demonstrate that all measures technologically available and financially viable to mitigate the emission of noxious odors will be incorporated into the design of the facility.
2. For existing commercial and industrial facilities, odors resulting from the production process that are within the limits established by State and/or Federal regulatory agencies in approved permits shall not be considered in violation of this Ordinance. This does not exempt any business from the responsibility to take all necessary technologically feasible and financially viable measures to reduce such odors, and to comply to with any new standards required as part of a renewed or new State and/or Federal regulatory agency environmental permits.

#### **G. Gases.**

The escape or emission of any gas which is injurious or destructive, harmful to person or property, or explosive shall be unlawful and shall be abated.

#### **H. Electrical Disturbance, Electromagnetic, or Radio Frequency Interference.**

No use shall create any electrical disturbance that adversely affects any operations or equipment other than those of the creator of such disturbance, or cause, create, or contribute to the interference with electronic signals (including television and radio broadcasting transmission) to the extent that the operation of any equipment not owned by the creator of such disturbance is adversely affected.

#### **I. Vibration.**

All machinery shall be so mounted and operated that vibration from sound or noise at any lot line shall not be so intrusive as to interfere with normal daily activities in adjoining land uses. Vibrations resulting from temporary construction activity shall be exempt from the requirements of this Section.

#### **J. Noise.**

Noise which is objectionable as determined by the Township due to volume, frequency, or beat shall be muffled, attenuated, or otherwise controlled. Objectionable sounds of an intermittent nature, or sounds characterized by high frequencies shall be so controlled so as not to become a nuisance to adjacent uses. Sirens and related apparatus used solely for public purposes are exempt from this requirement. Noise resulting from temporary construction activity shall also be exempt from this requirement.

#### **K. Notification.**

<b>1</b> Title & Purpose	<b>2</b> Definitions	<b>3</b> General Provisions	<b>4</b> District Regulations	<b>5</b> Site Plan Review & Plot Plans
<b>6</b> Special Land Use Review	<b>7</b> Supplemental Regulations	<b>8</b> Zoning Board of Appeals	<b>9</b> Administration & Enforcement	<b>10</b> Adoption & Amendments



The public shall be notified whenever scrubbers or other pollution control equipment used to reduce or eliminate the emission of odors, gases, or particulate matter into the air, or contaminants from discharging into ground or surface waters, will be shut down for maintenance or become inoperable due to breakdown.

In the case of a planned shutdown, the public shall be notified at least forty-eight (48) hours in advance. Such notice shall include the date and time of the shutdown, the duration of the shutdown, and the impact of the shutdown (increased odors, etc.) on the community.

In the case of a non-planned, sudden breakdown of such equipment the public shall be immediately notified of the problem, its expected duration and its impact on the community.

Such notification shall be sent via e-mail, fax and/or other electronic means to the Charter Township of Alpena, adjacent governmental entities, local schools, district health department, and local media (TV, radio, newspaper, etc.).

## **Section 314 Stormwater & Runoff**

- A. 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 may 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).
- B. No premises shall be filled or graded so as to discharge surface runoff on abutting premises in such a manner that will cause inconvenience or damage to adjacent properties. When property is developed adjacent to existing properties previously developed, existing grades shall have priority.
- C. The use of swales, rain gardens, and vegetated buffer strips is encouraged in cases where the Planning Commission deems it to be safe and otherwise appropriate as a method of stormwater conveyance so as to decrease runoff velocity, allow for natural infiltration, allow suspended sediment particles to settle, and to remove pollutants. Such systems shall be permitted within required setbacks.
- D. Rainwater collection systems on roofs may be utilized to fulfill some stormwater management requirements.

## **Section 315 Uses Not Listed**

Since every type of potential use cannot be addressed in this Ordinance, all applications for a use not specifically addressed in any zoning district shall be submitted to the Planning Commission for review based on the following standards:

<b>1</b> Title & Purpose	<b>2</b> Definitions	<b>3</b> General Provisions	<b>4</b> District Regulations	<b>5</b> Site Plan Review & Plot Plans
<b>6</b> Special Land Use Review	<b>7</b> Supplemental Regulations	<b>8</b> Zoning Board of Appeals	<b>9</b> Administration & Enforcement	<b>10</b> Adoption & Amendments

- A. A finding that the proposed use is not listed as a permitted use or as a Special Land Use in any zoning district.
- B. If the use is not addressed in the Zoning Ordinance, the Planning Commission shall determine a similar use which most closely resembles the proposed use using criteria such as potential impact on property values, nature of use, aesthetics, traffic generated, noise, vibration, dust, smoke, odors, glare, or other objectionable impacts in terms of health, safety, and welfare.
- C. Once a similar use has been determined, the proposed use shall comply with any standards that apply to the similar use and shall be allowed in the same district as the similar use, whether as a Permitted Use or as a Special Land Use.
- D. Where the Planning Commission determines a proposed use is not similar to a use addressed in the Zoning Ordinance, the applicant may petition for an amendment to the Zoning Ordinance.

## **Section 316 Open Space Preservation**

Regardless of zoning district, land zoned for residential development may be developed, at the option of the landowner, with the same number of dwelling units on a portion of the land as would be allowed for the entire parcel if located in the FR District. Not more than fifty (50%) percent of the land, as determined by the Township, could be developed if all of the following apply:

- A. The land is zoned at a density equivalent to two (2) or fewer dwelling units per acre, or, if the land is served by a public sewer system, three (3) or fewer dwelling units per acre.
- B. A percentage of the land area, but not less than fifty (50%) percent, will remain perpetually in an undeveloped state by means of a conservation easement, plat dedication, restrictive covenant, or other legal means that runs with the land.
- C. The development does not depend upon the extension of a public sewer or public water supply system, unless development of the land without the exercise of the option provided by this Section would also depend upon such an extension.
- D. The option provided by this Section has not previously been exercised with respect to that land.

## **Section 317 Address Display**

- A. The purpose of this Section is to establish a uniform Township system of numbering buildings for use as addresses to facilitate locating buildings and houses. The provision of a systematic method of building identification will enable faster response and location of a building by Township authorities in furtherance of Township affairs including but not limited to fire and emergency services, building and zoning, soil, health inspection, tax assessment, data collection, mail and parcel delivery, and other county, state, or federal affairs.

**1** Title & Purpose**2** Definitions**3** General Provisions**4** District Regulations**5** Site Plan Review & Plot Plans**6** Special Land Use Review**7** Supplemental Regulations**8** Zoning Board of Appeals**9** Administration & Enforcement**10** Adoption & Amendments

- B. For any new use or change of use of a premise created after the adoption of this amendment, street or road address numbering signs shall be posted. The sign shall be displayed on the side of a structure facing the road, and if possible and practical, visible from the road.
- C. If a mailbox exists and is not attached to the structure, the mailbox shall also be posted with the address number. If the mailbox is located on a road other than the structure location, the mailbox shall have both the sign address number and also the proper road name of the structure.
- D. The address numbering sign shall be green background with white reflective numbers not less than three and one-half (3 ½") inches in height and one-half (½") inch stroke. The sign shall be placed not less than forty-two (42") inches above ground level, unless an agreement is reached and approved by the Zoning Administrator to alter the required height.

## Section 318 Outdoor Wood Burning Furnaces

Although outdoor wood burning furnaces may provide an alternative to conventional heating systems, concerns have been raised regarding the safety and environmental impacts of these heating devices, particularly the production of offensive emissions. This Section is intended to ensure that outdoor wood burning furnaces are utilized in a way that does not create a nuisance and is not detrimental to the health, safety, and general welfare of Township residents. A mechanical permit is required. Outdoor wood burning furnaces may be permitted in any district, provided:

- A. Permitted fuels are limited to the furnace manufacturer's recommended materials. The burning of trash, plastics, gasoline, rubber, naphtha, household garbage, materials treated with petroleum products (particle board, railroad ties, and pressure treated wood), leaves, paper products, and cardboard are prohibited.
- B. Minimum lot size shall be one (1) acre.
- C. Setbacks shall be fifty (50') feet from all lot lines.
- D. The unit shall be equipped with a spark arrestor.
- E. The unit shall be placed in the rear yard. In the WR District, the unit may be placed in the waterfront or street side yard.
- F. Outdoor wood burning furnaces may be permitted only when all the following requirements are met:
  - 1. Subsections **A through E** above are met.
  - 2. The unit meets United States Environmental Protection Agency (EPA) certification.
  - 3. Stack height requirements:

- a. If located less than one hundred (100') feet to any residence not served by the furnace, the stack height shall be at least seventy-five (75%) percent of the height of the eave line of that residence, plus an additional five (5') feet.
- b. If located one hundred (100') feet but not more than one hundred fifty (150') feet to any residence not served by the furnace, the stack height shall be at least fifty (50%) percent of the height of the eave line of that residence, plus an additional five (5') feet.
- c. If located more than one hundred fifty (150') feet but not more than two hundred (200') feet to any residence not served by the furnace, the stack height shall be at least twenty five (25%) percent of the height of the eave line of that residence, plus an additional five (5') feet.

## Section 319 Outdoor Lighting

### A. Purpose.

The purpose of exterior lighting standards is to create and maintain safe nighttime environments for both pedestrians and drivers on public roadways and right-of-ways by minimizing brightly lighted surfaces and lighting glare; to preserve the restful quality of nighttime by eliminating intrusive, artificial light and lighting that unnecessarily contributes to "sky glow"; and to reduce light pollution from lighting luminaries and light trespass onto adjacent properties. The following requirements shall be considered in the review of all site plans submitted for approval under the terms of this Zoning Ordinance. Lighting that does not conform to this Section shall be considered a nuisance.

### B. General Standards.

1. **Exempted Areas and Types.** The following types of outdoor lighting shall not be covered by this Section:
  - a. Special seasonal lights such as Christmas decorations.
  - b. Lights located within the public right-of-way or easement.
  - c. Temporary lighting needed for emergency services or to perform nighttime road construction on major thoroughfares.
  - d. Temporary lighting for civic activities, fairs, or carnivals provided the lighting is temporary.
  - e. Lighting required by the Federal Communications Commission, Federal Aviation Administration, Federal Occupational Safety and Health Administrations, or other applicable Federal or State agencies.

- f. Lighting for recreational facilities shall conform to the requirements set forth in the most current edition of the Illuminating Engineering Society of North America (IESNA) RP-6 Recommended Practice for Sports and Recreational Area Lighting and the IESNA Lighting Handbook.
2. **Standards.** Lighting shall be designed and constructed as per the following requirements:
- Lighting Confined To Site.** Direct or directly reflected light shall be confined to the development site and pedestrian pathways and shall not negatively affect adjoining property. All lighting shall be oriented not to direct glare or excessive illumination in a manner which may interfere with the vision of drivers or pedestrians.
  - Lighting Directed Downward/Shielded.** Except for diffused globe-style walkway lights and the lighting addressed in **Subsection c** below, the following shall apply: all outdoor lighting, in all districts, shall be directed toward and confined to the ground areas of lawns or parking lots. Exterior lighting shall be shielded, hooded, and/or louvered to provide a glare-free area beyond the property line unless the light source is not directly visible from beyond the boundary of the site. Lighting fixtures shall have one hundred (100%) percent cut off above the horizontal plane at the lowest part of the point light source. The light rays may not be emitted by the installed fixture at angles above the horizontal plane.
- Lighting Direction**
- Upward Directional Lighting.** All lighting used for the external illumination of buildings and flags may direct lights in an upward direction so as to feature said buildings and flags. Such lights shall be placed and shielded so as not to interfere with the vision of persons on adjacent streets or adjacent property.
  - Moving Lights.** All illumination of any outdoor feature shall not be of a flashing, moving, or intermittent type. Artificial light shall be maintained stationary and constant in intensity and color at all times when in use. Beacon, strobe, and search lights are not permitted.

- e. **Interference with Traffic Control Devices.** No colored lights shall be used at any location where it may be confused with or construed as traffic control devices.
- f. **Gas Stations.** Ceiling lights in gas pump island canopies shall be recessed.

## Section 320 Fences & Walls

### A. General Regulations.

1. Fence regulations within this Section apply to perimeter fences which are constructed for the purpose of controlling access to a property, for privacy, and are typically located on or near a parcel boundary.
2. Fences and walls do not require a permit but must comply with all relevant provisions of this Ordinance.
3. **Property Line Determination.** In the installation of any fence, the property owner is responsible for the location of property lines and should obtain a professional survey if necessary to determine accurate property lines. The Charter Township of Alpena shall not to be held responsible for any property line or fence disputes between adjacent property owners.
4. **Barbed Wire and Electrified Fences.** Barbed wire fences are permitted on non-residential parcels. Electrified fences shall be permitted on agricultural parcels. For the safety and protection of neighboring residents or pets, electrified fences shall be setback from a secondary fence by a minimum of two (2) feet. The secondary fence may be constructed at the property line.
5. **Fence Posts.** Fence posts shall be placed on the inside of the property line of the owner erecting the fence.
6. **Finished Side of Fence.** 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 and constructed 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.
7. **Materials.** Fence and wall materials may include treated wood, painted/stained wood, treated split rail, ornamental wrought iron, brick, stone, masonry block, molded vinyl, chain link, or other materials designed for fence construction. Scrap lumber, plywood, woven wire (except for agricultural purposes), sheet metal, plastic or fiberglass sheets, old signage, old doors, or other materials not designed for fence construction are specifically prohibited.
8. **Intersection Visibility.** Fences and walls installed, constructed, or planted in accordance with the provisions of this Ordinance shall not obstruct corner clearance areas as regulated in **Section 324**.

**B. Location and Height.**

<b>A. Fence and Wall Location and Heights – Residential Lots</b>			
<b>Yard</b>	<b>Location<sup>1</sup></b>	<b>Height<sup>2</sup></b>	<b>Additional Standards</b>
Front Yard	In front setback	4 ft high maximum	Fence shall be constructed of non-obscuring materials and shall not obstruct clear vision for traffic purposes.
	In front yard, outside of front setback	6 ft high maximum	----
Side Yard	In side yard	6 ft high maximum	----
Rear Yard	In rear yard	6 ft high maximum	----
Waterfront Lots	Waterfront Yard. Fencing shall be set back from the ordinary high water by twenty-five (25') feet.	A fence placed in any yard on a waterfront lot shall not exceed four (4') feet in height.	<p>Fences greater than 4 feet in height may be approved as part of a Special Land Use.</p> <p>In reviewing any Special Land Use application for a fence exceeding four (4') feet in height on the waterfront side of such lot, the Planning Commission shall consider whether or not the proposed fence unreasonably restricts, or may in the future unreasonably restrict, the waterfront view of neighboring residents.</p>

<sup>1</sup>Fences may be located directly on the lot line.

<sup>2</sup>Fence height is measured from the average grade of the lot. On residential lots, fences shall not be placed on berms. Fences greater than the maximum height may be approved as a Special Land Use.



B. Fence and Wall Location and Heights – Non-Residential Lots			
Yard	Location <sup>1,2</sup>	Height	Additional Standards
Front Yard	In front yard	6 ft high maximum	Fences greater than 6 feet in height may be approved as part of a Special Land Use.
Side Yard	In side yard		
Rear Yard	In rear yard		
Waterfront Lots	Waterfront Yard. Fencing shall be set back from the ordinary high water by twenty five (25') feet.	A fence placed in any yard on a waterfront lot shall not exceed four (4') feet in height.	<p>Fences greater than 4 feet in height may be approved as part of a Special Land Use.</p> <p>In reviewing any Special Land Use application for a fence exceeding four (4') feet in height on the waterfront side of such lot, the Planning Commission shall consider whether or not the proposed fence unreasonably restricts, or may in the future unreasonably restrict, the waterfront view of neighboring residents.</p>

<sup>1</sup>Fences may be located directly on the lot line.

<sup>2</sup>Fences may be located in a publicly owned right-of-way only in commercial or industrial zones after written permission is received from the entity having jurisdiction over the right-of-way and a copy of the same is submitted to the Zoning Administrator, and further providing that in no case shall such fence be located closer than fifteen (15') feet from a vehicle travel lane.

### C. Fences & Walls Required for Screening Purposes: Commercial, Institution, and Industrial Uses.

For those districts and uses listed below, there shall be provided and maintained on those sides abutting or adjacent to a residential use of property or a residential district an obscuring fence or wall or a combination thereof as required below (except otherwise regulated by this Ordinance):

**Table C: Side & Rear Yard Screening Requirements**

Use or District	Screening Required
All off street parking areas	Four (4') foot high fence or wall
Commercial District or Commercial Use	Minimum six (6') foot high fence or wall as per Planning Commission approval.
Institutional Use	
Industrial/Extractive District or Industrial Use	
Outdoor storage areas (commercial or industrial)	
Utility buildings, stations, and substations	

1. **Screening Materials.** Solid fences, walls, and chain link or other wire fence utilizing metal, plastic, or wood slats shall be considered an obscuring wall for the purpose of this Ordinance. The Planning Commission may, in its review of site plans for specific uses, allow or require the provision of a vegetative buffer strip consisting of trees and shrubs alone or in addition to a fence or wall to serve as a screen where such screens are required under this Ordinance or where conditions are such that a more effective and harmonious development with abutting or neighboring land uses would result. Vegetative buffer strips shall be regulated under **Section 321**. The construction of a fence or wall in combination with a berm to achieve the required height standards for screening purposes may also be approved. The height of the berm in addition to the fence atop of the berm shall not exceed the total allowable fence height as permitted by district.
2. **Construction for Screening Purposes.** All walls herein required shall be constructed of materials approved by the Zoning Administrator to be durable, weather resistant, rustproof, and shall be maintained by the commercial or industrial property owner or tenant at all times equal in condition to the completed structure at the time of initial installation. Wood or wood products, when utilized, shall be treated (wolmanized or equivalent) and maintained at all times.
3. The requirement for an obscuring wall between off-street parking areas or outdoor storage areas and abutting residential districts or uses shall not be required when such areas are located more than two hundred (200') feet from such abutting residential use or district.
4. The Planning Commission may waive or modify the foregoing requirements where cause can be shown that no good purpose would be served with conformance to **Subsection C**.

**Section 321 Landscaping & Buffering**

These requirements apply to all non-residential uses.

**A. Intent.**

It is the intent of this Section to protect and manage vegetation to:

1. Contribute to air purification, oxygen regeneration, groundwater protection and recharge, and the control of stormwater runoff.
2. Safeguard and enhance private and public property values and encourage continued investment in the community.
3. Enhance community appearance, identify unique natural beauty, and promote quality development at a suitable scale.
4. Provide visual screens between land uses of differing character and use intensities.
5. Provide for the preservation of native trees and vegetation.

**B. Flexible Design Standards.**

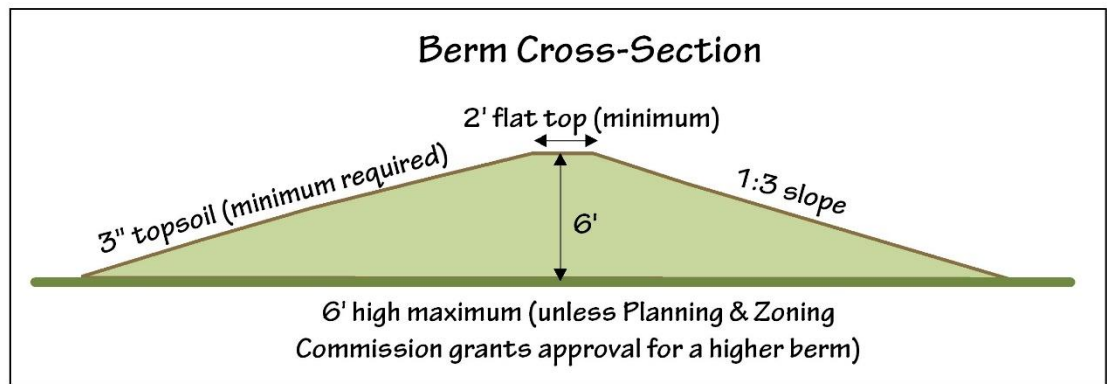
It is recognized that alternative design concepts exist which, if adopted, could exceed the results envisioned using these development standards. It is intended that the requirements of this Section be flexible and permit latitude in site design and the use of plant materials when it can be shown that variation from the requirements will provide a development substantially better than that achievable using the minimum standards of this Section. The provisions of this Section shall be considered the minimum development standards and not a design goal. The Planning Commission may waive or alter design standards contained in this Section on a case-by-case basis.

**C. Landscaping Standards.**

1. Landscaping shall be shown on a site plan.
2. All developed portions of a site not occupied by buildings or pavement shall be planted with grass, ground cover, shrubs, or other suitable plant material.
3. A mixture of evergreen and deciduous trees of species native to northeastern Michigan shall be planted at a rate of one (1) tree per three thousand (3,000) square feet of landscaped open space on-site.

4. Unless otherwise specified, materials such as river rock, cobble, boulders, paving stone, patterned concrete, bark, and wood chips shall be limited to small areas and shall not exceed twenty-five (25%) percent of the required landscape area.
5. Grass or other living plants shall be primary ground cover in landscape areas. Ground covers other than grass shall be planted in required areas to provide complete coverage within two (2) growing seasons. Vines shall not be used adjacent to pedestrian areas.
6. The general site topography and any natural landforms unique to the property shall be maintained and made part of the development whenever possible.
7. **Landscape preservation.** Preservation of existing trees and site vegetation is encouraged and may be used to meet the landscaping requirement of this Section.
8. No synthetic plant material shall be used to fulfill any landscaping requirement.
9. All trees shall be located to allow sufficient room for growth.
10. The required landscaping shall be planted with permanent living plant materials within thirty (30) days from the date of occupancy and shall thereafter be maintained in presentable condition and shall be kept free from refuse and debris. All plant materials shall be continuously maintained in a sound, healthy, and vigorous growing condition, and shall be kept free of plant diseases and insect pests. All unhealthy and dead material shall be replaced within one (1) year of damage or death or the next appropriate planting period, whichever comes first. All landscaped areas shall be provided with a readily available and acceptable water supply. The Zoning Administrator may extend the time period for planting when seasonal conditions are such that planting cannot be undertaken.
11. All landscape 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.
12. All plant material shall be planted in a manner so as not to obstruct access to or view of fire hydrants or other fire connections and to not interfere with utility lines (above and below ground) and public roadways. Landscape materials shall not constitute a nuisance to neighboring properties.
13. Drain fields shall not be considered as required landscaped area.
14. **Berms.**
  - a. All berms require a permit. Berms on single-family and two-family residential property are reviewed/approved by the Zoning Administrator. Berms on multiple-family and non-residential property are reviewed/approved by the Planning Commission.

- b. The berm shall be landscaped and maintained in a clean, orderly growing condition. Berms not containing planting beds shall be covered with grass or vegetative groundcover maintained in a healthy growing condition.
- c. Berms shall have a minimum of three (3") inches of topsoil.
- d. Berms shall be constructed of landscaping material acceptable to the Planning Commission. Berms shall not contain construction material/debris, garbage, junk, or other debris not typically used as landscaping material.
- e. Berms shall not exceed six (6') feet in height unless a higher berm is approved by the Planning Commission on non-residential or multiple-family property. Height of a berm shall be measured from the preconstruction grade of the land immediately surrounding the berm. If a berm is proposed to be higher than six (6') feet, then the applicant shall submit a stamped, engineered site plan showing the specifications of the berm.
- f. The berm shall be natural in appearance. Berms may undulate in height, subject to review and approval of berm design as shown on the site plan.
- g. Berms shall be constructed so as to maintain a side slope not to exceed a one (1') foot rise to a three (3') feet run ratio. Berms shall have a flat, horizontal top of at least two (2') feet in width.



- h. Berms shall be constructed in a way that does not alter drainage patterns on the site or adjacent properties or obstruct vision for reasons of safety, ingress or egress. Berms shall be constructed at a sufficient distance from the neighboring property line so as not to alter drainage patterns or obstruct vision from points of ingress/egress.
- i. Trees shall be allowed to be placed on berms.
- j. No buildings or any structures shall be permitted upon or within any berm.

- k. Before commencing construction of a berm, the property owner shall submit a plan to the Zoning Administrator showing the following:
  - (1) The location of the proposed berm(s);
  - (2) A survey that shows the height of the preconstruction grade of the property along all points of the proposed berm(s);
  - (3) The width, height, and length of the proposed berm(s) along all points of the proposed berm(s);
  - (4) A description of the materials (and source of the materials) used to form the berm(s);
  - (5) A description of the type and location of grasses, groundcovers, shrubs, trees, and other landscaping materials to be installed on the berm(s);
  - (6) A description of any potential modification or redirection of the preconstruction or historic surface drainage patterns as the result of the proposed berm(s); and
  - (7) A maintenance plan which explains, in detail, the method by which the berm will be maintained to result in an aesthetically pleasing appearance.

**15. Minimum Plant Sizes at Time of Installation.**

Deciduous Canopy Trees:	2½"	dbh (diameter at breast height)
Deciduous Ornamental Trees:	2"	dbh
Evergreen Tree:	5'	height
Narrow Evergreen Trees:	3'	height
Deciduous Shrub:	2'	height
Large Evergreen Shrub:	2'	height
Spreading Evergreen Shrub:	18" – 24"	spread

**D. Vegetative Buffer Strip.**

1. For nonresidential uses which abut a residential use or which are adjacent to a Residential District boundary, a vegetative buffer strip may be approved by the Planning Commission for screening. The vegetative buffer strip may be approved alone or in combination with a decorative masonry/brick wall, decorative fencing, or earth berms.
2. The selection, spacing, size, and type of plant material shall be such as to create a horizontal obscuring effect for the entire length of the required screening area, and a vertical obscuring effect of such height and width as is determined adequate by the Planning Commission for proper screening between land uses.

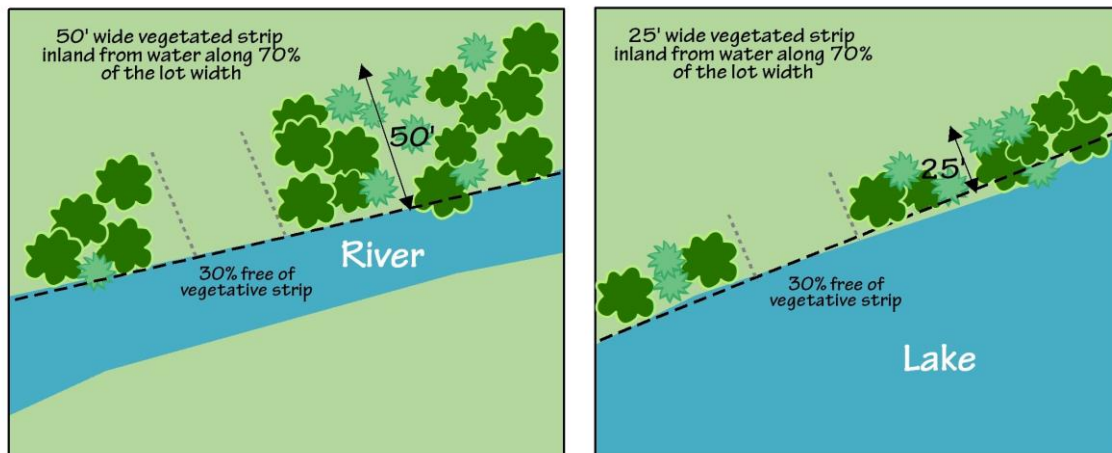
3. The relationship between deciduous and evergreen plant materials shall insure that a maximum obscuring effect will be maintained throughout the various seasonal periods.
4. Required screening may be interrupted to provide reasonable pedestrian, bicycle, or vehicular access to a property from a public right-of-way.
5. The Planning Commission may require or allow the substitution of fences, walls, and/or earth berms in those instances where a vegetative buffer strip or planting screen will not appropriately provide necessary screening to abutting properties.

## Section 322 Waterfront Greenbelts

To preserve natural resources, water quality, and community scenic and recreational values, a greenbelt shall be established and maintained on all property located within twenty-five (25') feet of the ordinary high water mark of a lake or stream. Within the greenbelt area, the following development or use restrictions shall apply:

### A. Vegetative Strip.

1. **Lakefront Property.** It is strongly recommended that at least seventy (70%) percent of the lot width at the water line shall be kept in natural vegetation; either trees, shrubs, herbaceous plants, or unmowed grass. This vegetative strip shall be twenty-five (25') feet deep from the water's edge.
2. **Riverfront Property.** It is strongly recommended that at least seventy (70%) percent of the lot width shall be kept in its natural vegetative state with trees, shrubs, herbaceous plants, or unmowed grass located thereon. This vegetative strip shall be fifty (50') feet deep from the water's edge.





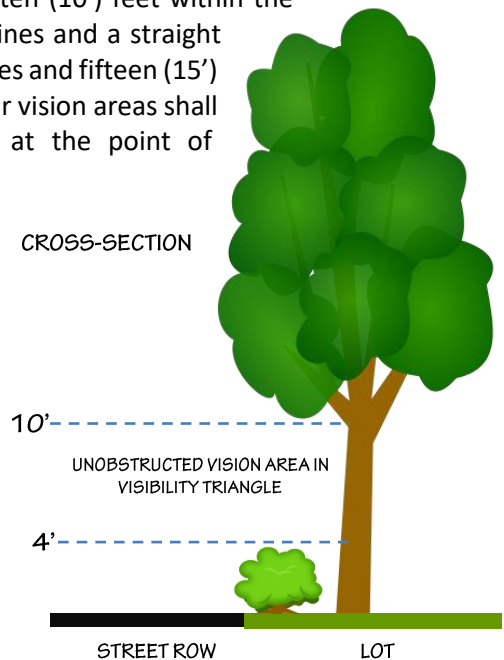
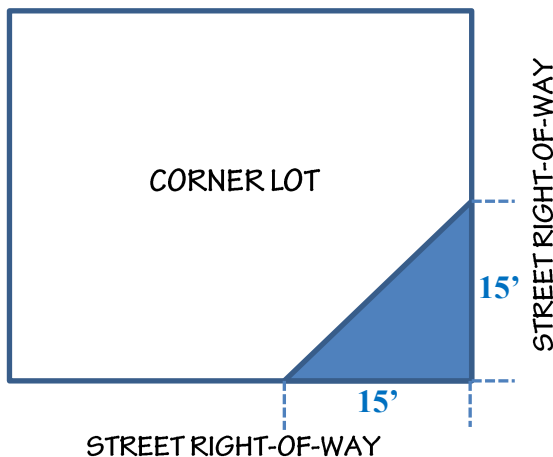
- B. No structures will be permitted in the Greenbelt except those related to use of the water such as boat launches, docks, or boathouses.
- C. No burning of leaves or stockpiling of grass, leaves, or compost is allowed in the Greenbelt.
- D. Use of pesticides, herbicides, and fertilizers in the Greenbelt is strongly discouraged.
- E. Setbacks for septic systems must meet minimum requirements set by the Health Department.
- F. No dredging or filling can occur in the Greenbelt without a Soil Erosion and Sediment Control Permit issued under **Part 91 of 1994 PA 451**, as amended, and any other applicable permits from the State of Michigan or U.S. Army Corps of Engineers.
- G. Greenbelt shall be shown on plot plan filed with the Zoning Administrator, or on site plan.

## Section 323 Hazardous Substances

The dumping of hazardous substances and/or nuclear wastes shall not be allowed within the Charter Township of Alpena, except as permitted by **1978 PA 113**, as amended (Radioactive Waste, being MCL 325.491 et. seq.).

## Section 324 Intersection Visibility

On any corner lot in any district, no solid fence, wall, screen, hedge, sign, or other structure or planting shall obstruct vision between the heights of four (4') feet 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 fifteen (15') feet distant from their point of intersection. Such heights of clear vision areas shall be measured from the elevation of the street centerlines at the point of intersection.



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## Section 325 Parking & Circulation

There shall be provided, in all districts at the time of erection or enlargement of any main building or structure, automobile off-street parking space with adequate access to all spaces.

### A. Motor Vehicle Parking Requirements: Single-Family Attached, Multi-Family, and Non-Residential Uses.

1. **Site Plan Review Required.** Parking lots shall undergo site plan review by the Planning Commission.
2. **Compliance Required.** Off-street parking and loading provisions of this Section shall apply to the following:
  - a. **New Construction.** For all buildings and structures erected and all uses of land established after the effective date of this chapter.
  - b. **Enlargement.** Whenever a building is expanded to increase its usable floor area.
  - c. **Change in Use.** Whenever the use of a building or portion of a building is changed to accommodate a use requiring more parking than the former use.
  - d. Regulations pertaining to off-street parking shall not apply to buildings in existence at the time of adoption of this Ordinance unless **a through c** (above) apply.
3. **Location.** Off-street parking for other than residential uses shall be either on the same lot or within four hundred (400') feet of the building it is intended to serve, measured from the nearest point of the building to the nearest point of the off-street parking lot. Ownership shall be shown of all lots or parcels intended for use as parking by the applicant.
4. **Off-Street Parking Shall Remain.** Any area once designated as required off-street parking shall not be changed to any other use unless and until equal facilities are provided elsewhere.
5. **Collective 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 shall not be less than the sum of the requirements for the several individual uses computed separately. The Planning Commission may reduce the number of parking spaces required for collective parking lots.
6. **Shared Parking.** In the instance of dual function of off-street parking space where operating hours of building do not overlap, the Planning Commission may grant an exception by reducing the total number of spaces required. The number of parking spaces required shall be calculated from the use requiring the greatest number of parking spaces unless that number is reduced by the Planning Commission. A shared parking agreement shall be on file with the Township.

7. **Use of Parking Lot.** The storage of merchandise, motor vehicles for sale, trucks, or the repair of vehicles is prohibited.
8. **Excessive Parking Space.** The number of parking spaces provided for any particular use shall not exceed a maximum of one hundred fifty (150%) percent of the required number of spaces as noted in **Subsection A.10**. Where the applicant has demonstrated by study that additional parking is necessary for the operation of the use, the Planning Commission may approve not more than an additional fifty (50%) percent of the minimum parking requirement.
9. **Reduction of Parking Spaces/Land Banking.**
  - a. For development in any zoning district, the Planning Commission may approve a total reduction of not more than thirty percent (30%) of the required number of off-street parking spaces, where the applicant has demonstrated by study that adequate parking would be provided for the proposed use and the customary operation of the use.
  - b. When such reduction is approved, an area of sufficient size to accommodate the number of minimum required parking spaces stated in **Subsection A.10** shall be designated on the site plan, and no structure or impervious surface shall be permitted within the designated area. The area shall not be included in any required buffer area. The area shall be reserved to accommodate additional parking if needed in the future.
10. **Number of Parking Spaces Required.**
  - a. **Uses Not Specifically Mentioned.** For those uses not specifically mentioned, the requirements for off-street parking facilities shall be in accord with a use which the Planning Commission considers as being similar in type.
  - b. **Computing Parking Spaces.** For the purpose of computing the number of parking spaces required, the definition of USABLE FLOOR AREA shall govern.
  - c. **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 ( $\frac{1}{2}$ ) shall be disregarded, and fractions over one-half ( $\frac{1}{2}$ ) shall require one (1) parking space.
  - d. **Handicap-Accessible Spaces.** Off-street parking facilities shall provide spaces for the handicapped in accord with the provisions of the **Americans with Disabilities Act** or **State of Michigan Construction Code**.
  - e. **Bicycle Parking Substitution.** In off-street parking areas with twenty-five (25) or more automobile parking spaces, bicycle parking spaces in the form of a bicycle rack or other bicycle parking structure may be substituted for automobile parking spaces at the rate of ten (10) bicycle spaces per one (1) off-street parking space with a maximum of ten (10) automobile spaces replaced with bicycle parking.

- f. The minimum number of off-street parking spaces by type of use shall be determined in accordance with the following schedule:

## Parking Requirements

<i>Residential</i>	
Bed and Breakfasts/Rooming Houses/Tourist Home/Boarding House	One (1) for each guest room plus 1 for the owner/resident manager
Group Day Care Homes	One (1) in addition to the one (1) required for the residence
Housing for the Elderly	One (1) for each three (3) dwelling units
Manufactured Homes located in a Manufactured Housing Community	One (1) for each manufactured home site and one (1) for each employee.
Multiple Family	Two (2) for each dwelling unit
One-Family and Two-Family	One (1) for each dwelling unit
<i>Commercial</i>	
Auto Service Stations; Gas Stations	One (1) for each service stall rack or pit; and one (1) for each one (1) single or dual gasoline pump
Auto wash; Auto Reconditioning; Auto Cleaning	Adequate waiting space shall be provided off the street right-of-way
Bank	One (1) for each three hundred (300) square feet of usable floor area
Beauty parlor or barber shop	One (1) for each beauty or barber shop chair
Bowling alley	Four (4) for each bowling lane
Dance Halls, Exhibition Halls, and Assembly Halls without Fixed Seats	One (1) for each one hundred (100) square feet of usable floor area. Where legal capacity is established, one (1) for each four (4) persons of the established legal capacity
Furniture and Appliance, Hardware Stores, Household Equipment Repair Shops, Showroom of a Plumber, Decorator, Electrician, or Similar Trade, Shoe Repair and Other Similar Uses	One (1) for each eight hundred (800) square feet of usable floor area
Laundromats and Coin Operated Dry Cleaners	One (1) for each three (3) machines
Motel, hotel, or Other Commercial Lodging Establishments	One (1) for each rental unit
Motor Vehicle Sales and Service Establishments	One (1) for each four hundred (400) square feet of usable floor area of sales room and one (1) for each auto service stall in the service room
Mini-Warehouses, Self-Storage Establishments	One (1) per ten (10) storage units, equally distributed throughout the storage area
Funeral Home; Mortuary	One (1) for each one hundred (100) square feet of assembly room usable floor space
Pool Hall or Club	One (1) for each one (1) game table or one (1) for each one hundred and fifty (150) square feet of usable floor space in game rooms, or whichever is greater
Professional & Business Offices (other than doctors, dentists, or similar professions)	One (1) for each four hundred (400) square feet of usable floor area
Professional Offices of Doctors, Dentists, or Similar Professions	One (1) for each one hundred and fifty (150) square feet of usable floor area in waiting room
Research, Medical or Optical Laboratory	One (1) space per four hundred (400) square feet
Restaurants and Establishments for On Premises Sale and Consumption of Food, Refreshments, and/or Beverages	One (1) for each one hundred and fifty (150) square feet of usable floor area plus adequate stacking space
Retail Stores (unless otherwise specified herein)	One (1) for each one hundred and fifty (150) square feet of usable floor area
Stadium and Sports Arena or Similar Outdoor Places of Assembly	One (1) for each six (6) seats or one (1) for each twelve (12) feet of benches
Supermarkets (Self-Service food stores)	One (1) for each one hundred and fifty (150) square feet of usable floor area

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Veterinary Clinics; Animal Hospitals	One (1) for each employee plus one per examination room
<b><i>Institutional</i></b>	
Assisted living facility, Nursing Homes, Convalescent Homes, Homes for the Aged	One (1) for each six (6) beds and one (1) for each two (2) employees and/or members of the staff
Churches, Temples, or Similar Places Of Worship; Theaters, Auditoriums, and Similar Assembly Buildings.	One (1) for each four (4) seats in the main unit of assembly or eight (8) linear feet of benches in the main unit of assembly
High Schools and College/University	One (1) for each two (2) teachers, employees, or administrators, and one (1) for each ten (10) students
Elementary, Middle, and Junior High Schools	One (1) for each of two (2) teachers, employees or administrators
Government offices; Libraries; Museums	One (1) for every four hundred (400) square feet
Hospitals	One (1) for each four (4) beds and one (1) for each two (2) employees and/or members of the staff
Jails/Police Stations	One (1) space for each staff member plus one (1) space for every five (5) cells in addition to off street loading spaces for delivery and transport vehicles
Nursery Schools, Day Nurseries, or Child Day Care Centers (Non-Residential)	One (1) for each employee plus one (1) space for each five (5) children of licensed authorized capacity or one (1) space for every ten (10) children if adequate drop-off facilities are provided.
Private Clubs or Lodges	One (1) for each four (4) members, or one (1) for each one hundred (100) square feet of usable floor area, whichever is the greater
<b><i>Industrial</i></b>	
Industrial or Research Establishments	One (1) for each two (2) employees in the largest working shift. Space on the site shall also be provided for all construction workers during periods of plant construction
Warehouse and/or Storage Building; Truck Terminal	One (1) for each two (2) employees in the largest working shift. plus space to accommodate all vehicles with the operations of the establishment
Wholesale Establishments	One (1) for every one (1) employee in the largest working shift, or one (1) for every seventeen hundred (1,700) square feet of usable floor space, whichever is greater
<b><i>Recreational</i></b>	
Athletic Clubs	One (1) per each three (3) persons allowed within the maximum occupancy load plus one (1) per each employee
Boat Launch Ramps; Marinas	One (1) per boat slip plus twenty (20) for launch ramps
Campground/RV Park	One (1) for every campsite plus one (1) for each employee per shift
Golf Courses	Four (4) spaces per hole plus one (1) for each employee
Mini Golf Courses	Two (2) spaces per hole plus one (1) for each employee
Tennis or Racquetball Facility	Two (2) spaces per court plus one (1) space per employee on the largest shift

## B. Off-Street Parking Space Layout, Standards, Construction and Maintenance.

Wherever the off-street parking requirements in this Section require the building of an off-street parking facility, such off-street parking lots shall undergo site plan review and shall be laid out, constructed, and maintained in accordance with the following standards and regulations:

1. Adequate ingress and egress to the parking lot shall be provided and shall receive the review and approval of the Zoning Administrator in order to provide for the greatest possible public safety and welfare. Such necessary directional signs and controls as are required shall be established and maintained by the owner or lessee of the parking lot.

2. All spaces shall be provided adequate access by means of maneuvering lanes. All maneuvering lane widths shall require one-way traffic movement, with the exception of the ninety (90°) degree pattern where two-way movement may be permitted.
3. Plans for the layout of off-street parking facilities shall be in accordance with the following minimum requirements:

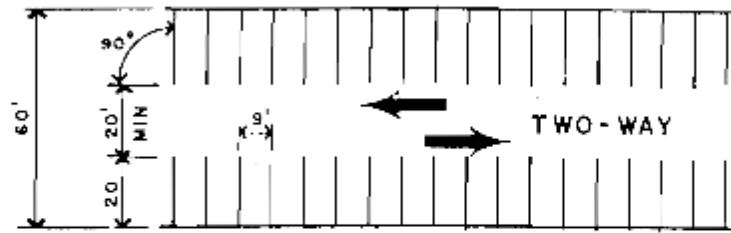
#### Off-Street Parking Lot Layout Requirements

Parking Pattern	Maneuvering Lane Width	Parking Space Width	Parking Space Length	Total Width of One Tier of Spaces plus Maneuvering	Total Width of Two Tiers of Spaces plus Maneuvering
75° to 90°	20 ft.	9 ft.	20 ft.	40 ft.	60 ft.
54° to 74°	15 ft.	8 ft. 6 in.	20 ft.	36 ft. 6 in.	58 ft.
30° to 53°	12 ft.	8 ft. 6 in.	20 ft.	32 ft.	52 ft.

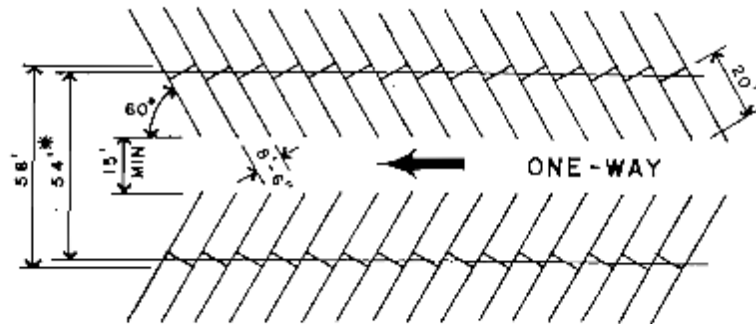
#### 4. **Parking Lot Landscaping.**

- a. **Perimeter Landscaping.** In the O-S, B-1, B-2, B-3, I-1, and I-2 Districts, off-street parking shall be permitted to occupy front, side, and rear setbacks after approval of the parking plan layout, provided that there shall be maintained a minimum landscaped setback of ten (10') feet between the nearest point of the off-street parking area, exclusive of access driveways, and the nearest right-of-way line.
- b. **Interior Landscaping.** Parking areas totaling seventy-six (76) or more spaces shall provide a minimum of ten (10%) percent interior landscaping. Parking areas totaling twenty (20) to seventy-five (75) spaces shall provide a minimum of five percent (5%) interior landscaping. Interior landscaping may be transferred to the perimeter of the lot(s) if interior landscaping is not possible. Plant material within parking lots shall provide for safe visibility and maintain clear sight lines between four (4') and ten (10') feet from the top of the curb. Interior landscaping shall occur in any combination of planting islands, planting peninsulas and entrance ways.

90 DEGREE

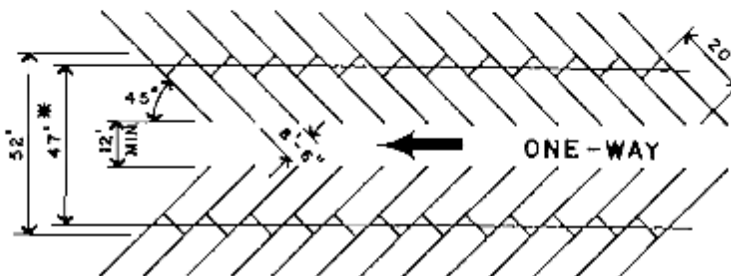


60 DEGREE



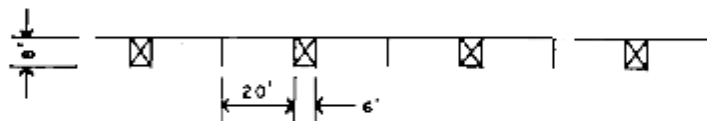
\* OVERLAPPING DIMENSION

45 DEGREE



\* OVERLAPPING DIMENSION (INCLUDING HERRINGBONE PATTERN)

PARALLEL

**PARKING LAYOUTS****1** Title & Purpose**2** Definitions**3** General Provisions**4** District Regulations**5** Site Plan Review & Plot Plans**6** Special Land Use Review**7** Supplemental Regulations**8** Zoning Board of Appeals**9** Administration & Enforcement**10** Adoption & Amendments



**C. Pedestrian Walkways.**

1. **Required Pedestrian Walkway.** Except for individual single-family and two-family dwellings, all developments shall provide clearly defined pedestrian walkways from the public sidewalk, if existing, to main entrances of the buildings or to the sidewalk fronting the building in the case of a multi-entrance building.
2. **Standards.** Walkways shall be designed to be recognizable to both drivers and pedestrians. At least one (1) of the following walkway treatments shall be used:
  - a. Constructing the walk/crosswalk with different materials, such as concrete or brick or other material approved or recognized under The **Americans with Disabilities Act (ADA)** requirements;
  - b. Placing bollards at sufficient regular intervals to delineate the walk/crosswalk;
  - c. Aligning artificially constructed barriers to define the walk/ crosswalk;
  - d. Raising the walk/ crosswalk; and
  - e. Painting pavement with walk/crosswalk striping.
3. Pedestrian walkways shall be physically separate from the parking area except where they cross a vehicle maneuvering lane, in which case the travel way shall be defined with a separate and contrasting material such as the use of a textured concrete or brick paver. All pedestrian walkways shall be maintained in good and visible condition.

**Section 326 Off-Street Loading & Unloading**

On the same premises with every building, structure, or part thereof involving the receipt or distribution of vehicles or material or merchandise, there shall be provided and maintained on the lot, adequate space for standing, loading, and unloading in order to avoid undue interferences with public use of dedicated streets or alleys. Such space shall be provided as follows:

All spaces in Industrial Districts shall be laid out in the dimension of at least ten by fifty (10' x 50') feet, or five hundred (500) square feet in area, with a clearance of at least fourteen (14') feet in height. All spaces in Industrial Districts shall be provided in the following ratio of spaces to gross floor area:

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## Loading Space Required

Gross Floor Area (In square feet)	Loading and Unloading Space Required in Terms of Square Feet of Gross Floor Area
0 – 1,400	None
1,401 – 20,000	One (1) space
20,001 – 100,000	One (1) space plus one (1) space for each 20,000 square feet in excess of 20,000 square feet
100,000 and over	Five (5) spaces

**Section 327 Access Management**

These access management requirements pertain to properties fronting on M-32 and US 23 and are established to protect public safety, maintain traffic flow, consider future transportation needs, provide adequate and safe access to property, promote efficiency and economy in public utility requirements, minimize land use conflict, protect natural resources, promote consistent development patterns, and enhance visual characteristics of entryways to the Charter Township of Alpena.

**A. Building Setback and Minimum Lot Width Requirement.**

1. **Setback.** Development of highway corridor property, regardless of zoning district, shall have a minimum front yard setback of fifty (50') feet. An exception to the fifty (50') feet front yard setback may be made for properties in the Waterfront Residential District on US 23 South, where because of limited lot depth, the requirement cannot be met. The setback may be reduced only as necessary, but shall in no case be less than twenty-five (25') feet. This setback reduction is approved by the body/person with authority as listed in **Section 500**.
2. **Minimum Lot Width Requirement.** New lots fronting the highway corridor created after the effective date of this amendment shall have a minimum lot width of two hundred (200') feet for Office Service, Commercial, and Industrial Districts.

**B. Driveway Standards.**

The standards for driveways shall be as follows:

1. **Compliance Required.** In addition to meeting the standards of this Ordinance, all new or altered driveways shall meet the minimum standards of the Michigan Department of Transportation (MDOT) Administrative Rules Regulating Driveways, Banners, and Parades On and Over Highways, and shall receive a driveway permit from MDOT or Alpena County Road Commission, whichever is applicable, prior to construction.

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2. **Compliance Required as Nearly as Possible.** In addition to new development projects, development projects such as change of use or operation, redevelopment of a site, or reconfiguration of a site shall meet these standards as nearly as possible. Upon review of such projects, the Township Planning Commission and/or MDOT or Alpena County Road Commission may require that driveways be closed or moved to more closely meet the standards.
3. **Traffic Impact Studies.** Depending on the type of development or redevelopment, the Township Planning Commission and/or MDOT or Alpena County Road Commission may require a traffic impact study. Traffic mitigation measures may be required if determined by the traffic impact study.
4. **Driveway Radii Construction.** All driveway radii, except for single-family residential use, shall be constructed with concrete curbs to define access.
5. **Driveway Width (for Single-Family, Two-Family, and for Driveways Serving One (1) to Five (5) Dwelling Units).** Driveways shall have a minimum width of fourteen (14') feet and cleared to a minimum height of fifteen (15') feet. A driveway more than three hundred (300') feet in length shall have a turn-around large enough to accommodate emergency vehicles.
6. **Driveway Width (Nonresidential or for Driveways Serving more than Five (5) Dwelling Units).** Driveways shall have a minimum width of thirty (30') feet of hard surface with construction to meet MDOT or Alpena County Road Commission Standards.
7. **Snow Storage.** An adequate area of land for snow storage area must be reserved along the drive and shall not interfere with or damage landscaping required by this Ordinance and clear vision areas must be maintained.
8. **Maintenance.** All shared driveways or private frontage roads will be considered private roads maintained jointly by the benefiting property owners, who shall enter into and record an agreement for the joint maintenance to keep the access in a reasonably safe condition.
9. **Stacking Space.** Access points for frontage roads, rear service drives, or side street drives shall be located to allow adequate stacking space for vehicles entering or crossing M-32 and US 23.
10. **Cross-Connections.** Parking lot cross-connections may be used as an alternative to frontage roads or shared driveways if, in the opinion of the Planning Commission, such cross-connections are designed with equivalent standards and function and do not interfere with safe internal parking lot circulation patterns. The connector drives must be recorded as easements and maintained by adjoining property owners and users who shall enter into a formal legal agreement for joint maintenance.
11. **Corner Clearances at Signalized Intersections.** To prevent signalized crossroads from becoming blocked by traffic waiting for the light to change, driveways shall not be located within the

functional boundaries of any intersection. Recommended corner clearances at signalized intersections are shown in the table below:

Driveway Spacing from Signalized Controlled Intersections		
Posted Speed	Side Clearances Upstream of the Signal	Side Clearances Downstream of the Signal
30-35 mph	230 feet	115 feet
40-55 mph	460 feet	230 feet
Source: Michigan Department of Transportation		

12. **Corner Clearances at Stop Sign Controlled Intersections.** Recommended corner clearances at stop sign controlled intersections are shown in the table below:

Driveway Spacing from Stop Sign Controlled Intersections		
Posted Speed	Side Clearances Upstream of the Signal	Side Clearances Downstream of the Signal
30-35 mph	115 feet	85 feet
40-55 mph	230 feet	170 feet
Source: Michigan Department of Transportation		

13. **Number of Driveways and Separation Distances.** All land in a parcel having a single tax code number or contiguous parcels owned by a single individual, or related individuals, or other entity or related entities, as of the effective date of this amendment, fronting on M-32 and US 23 shall be entitled to one (1) driveway or road access per parcel from said highway. Parcels, when subsequently subdivided either as metes and bounds described parcels or as a plat in accord with **1967 PA 288 of 1967 (Land Division Act)**, as amended, or as a site condominium in accord with **1978 PA 59 (Condominium Act)**, as amended, shall meet the minimum driveway spacing requirements of this Ordinance. Alternative means of access may be used to achieve driveway spacing standards, including frontage roads, rear service drives, parking lot cross-connections, shared driveways, or side street access. The table below displays desirable separation distances between access drives. All site plans for proposed developments or redevelopment projects shall show the location of all proposed and existing access points within the area of the proposed development.

Desirable Separation of Adjacent Access Points	
Highway Speed	Minimum Access Point Spacing (measured centerline to centerline)
25 mph	130 feet
30 mph	185 feet
35 mph	245 feet
40 mph	300 feet
45 mph	350 feet
50 mph and above	455 feet
Source: Michigan Department of Transportation	

In the event that a parcel lacks sufficient frontage to maintain adequate spacing, choose the next lowest spacing; or the driveway may be shared with adjacent property owner(s); or provide access to the nearest side street; or parking lot cross-connections may be used.

14. **Aligned and Staggered Driveways.** Driveways shall be aligned with those on the opposite side of M-32 and US 23 as nearly as possible. Whenever a driveway cannot be lined up with an existing driveway on the opposite side, the driveways shall be staggered. Recommended staggered distances for the driveways are presented in the table below:

Recommended Staggered Distances for Driveways	
Posted Speed	Desirable Offset Distance Between Access Points on the Opposite Side of the Roadway Center-Center of Proposed Access
25 mph	255 feet
30 mph	325 feet
35 mph	425 feet
40 mph	525 feet
45 mph	630 feet
50 mph	750 feet

*Source: Michigan Department of Transportation*

15. **Planning Commission Review.** As part of the site plan review process, the Planning Commission shall review and approve frontage roads, rear service drives, parking lot cross-connections, shared driveways, or side street access for parcels with frontage on M-32 and US 23.

**C. Consultation with MDOT and Alpena County Road Commission.**

Prior to review by the Planning Commission, any site plan proposing new or altered access drives onto US 23 and M-32 shall be accompanied by written documentation of consultation with MDOT and the Alpena County Road Commission.

**D. Special Land Use Review for High-Traffic Uses.**

In addition to other provisions of this Ordinance, when a high-traffic use in the highway corridor adjoins an existing residential use or a residentially zoned parcel, the high-traffic use shall be subject to review as a Special Land Use. The designation of a proposed use as a high-traffic use shall be determined by the Planning Commission. The designation may include, but is not limited to, gasoline stations, convenience stores, and businesses with drive-through service windows.

**E. Landscape Requirements.**

1. **Parking Areas.** Parking areas totaling seventy-six (76) or more spaces shall provide a minimum of ten (10%) percent interior landscaping. Parking areas totaling twenty (20) to seventy-five (75) spaces shall provide a minimum of five (5%) percent interior landscaping. Parking lot landscape

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- areas shall be no less than five (5) feet in any dimension and at least one hundred fifty (150) square feet in any single area. Interior landscaping shall occur in any combination of planting islands, planting peninsulas, and entrance ways. A minimum of one (1) tree meeting specifications set by the Planning Commission shall be planted in each area.
2. **Residential Buffer Area.** Where commercial, office, or industrial uses abut an existing residence or residentially zoned property, the intervening side or rear yard of the non-residential use shall provide a completely obscuring wall, fence, or landscape screen at least six (6) feet in height, measured from the surface of the ground of the abutting residential district.
  3. **General Landscaping.** All developed portions of a site not occupied by buildings or pavement shall be planted with grass, ground cover, shrubs, or other suitable plant material. A mixture of evergreen and deciduous trees of species native to northeastern Michigan shall be planted at a rate of one (1) tree per three thousand (3,000) square feet of landscaped open space on-site.
  4. **Landscape Preservation.** Preservation of existing trees and site vegetation is encouraged and may be used to meet the landscaping requirement listed above.

## Section 328 US 23 North Corridor

The U.S. 23 North Corridor passes through the Charter Township of Alpena and the City of Alpena jurisdictional boundaries. For the Charter Township of Alpena, the corridor is approximately one and three-fourth (1  $\frac{3}{4}$ ) miles in length. It is defined as the area north of the City of Alpena boundary in Section 16 of T31N-R8E to one-quarter ( $\frac{1}{4}$ ) mile north of Hamilton Road and includes all B-2, I-1, and OS parcels within one-quarter ( $\frac{1}{4}$ ) mile east and west of U.S. 23 right-of-way.

The purpose of this Section is to establish consistent zoning standards between the Township and City to insure that future development and re-development patterns will be uniform. For the corridor the following requirements apply:

### A. Prohibited Uses.

Regardless of the zoning district the following uses are prohibited even though they may otherwise be allowed in the same zoning district in other locations in the Township:

1. Sand and gravel extraction.
2. Ore processing.
3. Junk yards.
4. Sawmills and planing mills.
5. Petroleum storage tanks.

### B. Pedestrian Facilities.

For new development or re-development projects, pedestrian facilities shall be provided for those properties adjacent to U.S. 23 North.

## Section 329 Private Road Standards & Approval Procedures

### A. Permit Required.

Private roads are permitted provided they conform to the requirements of this Section. No private road shall be constructed, extended, improved, or relocated after the effective date of this Ordinance unless an application for a private road construction permit has been completed and filed with the Zoning Administrator and subsequently approved.

1. **Nonconforming Existing Private Roads.** Private roads existing on the effective date of this Ordinance and which do not conform to the standards in subsection C are not required to upgrade to the standards in subsection C. However, if an existing nonconforming private road is improved, extended, or proposed to serve a greater numbers of properties than it current serves, the required conformance to the standards in subsection C shall be determined by the Planning Commission on a case by case basis.

### B. Site Plan Review Required.

Application, review and approval of a proposed private road shall follow the same procedures as **Section 502 (Site Plan Review Procedures)**.

### C. Standards.

The proposed private road shall meet the following standards:

1. All private roads shall have a minimum right-of-way easement of at least sixty-six (66') feet, or the current Alpena County Road Commission's designated right-of-way width for local residential roads, whichever is greater. While not required to be dedicated to the public, no structure or development activity shall be established within approved rights-of-way or easements. If a private road is proposed to become a public road in the future, the road must meet Alpena County Road Commission design standards and be constructed to those standards prior to acceptance by the Road Commission.
2. The roadway grade should be constructed to meet current Alpena County Road Commission minimum construction standards.
3. No fence, wall, sign, landscape screen, or any plantings shall be erected or maintained in such a way as to obstruct vision or interfere with traffic visibility on a curve or within fifteen (15') feet of the right-of-way of a street. See **Section 324 (Intersection Visibility)**.



4. A cul-de-sac or other approved turn-around configuration shall be constructed whenever a private road terminates without intersection with another public street or private road. The cul-de-sac or other turn-around must meet current Alpena County Road Commission minimum standards.
5. Any driveways off a private road shall be at least forty (40') feet from the intersection of a private or public road right-of-way.
6. A Right-of-Way Construction Permit from the Alpena County Road Commission is required for connection to a road under the Commission's jurisdiction and from the Michigan Department of Transportation if connected to a State trunkline. When applicable, a permit is also required from the County under the Soil Erosion and Sediment Control Act. Intersections of private roads with public roads shall be at an angle as close to ninety (90°) degrees as possible and must meet all requirements of the appropriate right-of-way construction permit.
7. Private roads shall have a compacted gravel (or comparable) or paved width meeting current Alpena County Road Commission standards.
8. Stormwater runoff patterns for the private road shall be shown on the site plan. Any drainage originating outside the site, which has previously flowed onto or across the site, shall also be considered in the proposed stormwater runoff plan. Where stormwater runoff is proposed to run into an existing County or State road stormwater system, the stormwater plan for the private road shall be submitted to the Alpena County Drain Commissioner and the Alpena County Road Commission, Michigan Department of Transportation, or other appropriate government permitting agencies for review and approval prior to Township Planning Commission approval.
9. Lots or parcels fronting on private roads shall meet the required front yard setback and lot width for the zoning district where located.

#### **D. Road Construction Approval Procedures.**

No private road shall be constructed, extended, improved or relocated after the effective date of this amendment unless an application for a private road construction permit has been completed and filed with the Zoning Administrator, and subsequently approved.

1. Application for approval of a private road shall include ten (10) copies of a site plan sealed by a professional engineer showing:
  - a. Existing and proposed lot lines.
  - b. The location of existing and proposed structures.
  - c. The width and location of the private road easement.

- d. A cross-section of the proposed road showing the type of material the road base and surface will consist of.
  - e. Utility plans including the location and size/capacity of stormwater drainage systems, sewer or septic system, water lines or private wells and private utilities such as telephone, electric, and cable service.
  - f. Proposed locations of driveways off the private road.
  - g. Any existing or proposed structures, trees, or other obstruction within the proposed right-of-way.
  - h. All divisions of land shall be in compliance with the Charter Township of Alpena Land Division Ordinance.
2. All plans as submitted for approval shall show the private road easement including a legal description and must include the grade for these roads.
  3. Road maintenance agreement signed by the proprietor(s) shall be recorded with the Charter Township of Alpena Clerk and the Alpena County Register of Deeds providing for:
    - a. A method of initiating and financing the private road in order to keep the road up to properly engineered specifications and free of snow and debris.
    - b. A workable method of apportioning the costs of maintenance and improvements to current and future users.
    - c. No public funds of the Charter Township of Alpena will be used to build, repair, or maintain the private road.
  4. Road easement agreement signed by the proprietor(s) shall be recorded with the Charter Township of Alpena Clerk and the Alpena County Register of Deeds providing for:
    - a. Easements to the public for purposes of emergency and other public utility vehicles for whatever public services are necessary.
    - b. A provision that the proprietor(s) using the road shall refrain from prohibiting, restricting, limiting, or in any manner interfering with normal ingress and egress and use by any of the other owners. Normal ingress and egress and use shall include use by family, guests, invitees, vendors, tradesmen, delivery persons, emergency vehicles, and others bound to or returning from any of the properties having a need to use the road.

**E. Application Review and Approval or Denial.**

1. The Zoning Administrator shall send the private road plans to the Township, to the appropriate Emergency Services and Fire Protection agencies, to the County Drain Commissioner, to the County Road Commission if connected to a county public road, and to MDOT if connected to a State trunkline for review and comment. The proposed road maintenance agreement and road easement agreement shall be sent to the Township Attorney for review and comment.
2. County Road Commission, MDOT, County Drain Commissioner, Emergency Services and Fire Protection agencies, Township, and Township Attorney comments shall be forwarded to the Planning Commission. After reviewing all materials and recommendations submitted, the Planning Commission shall approve, deny, or approve with conditions the application for a private road.
3. If the application is denied, the reasons for the denial and any requirements for approval shall be given in writing to the applicant.
4. The Zoning Administrator shall arrange for inspections by the Township Engineer during construction of and upon completion of the private road.

**F. Failure to Perform.**

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

**G. Issuance of Building Permits for Structures on Private Roads.**

No building permit shall be issued for a structure on any private road until such private road is given final approval by the Planning Commission.

**H. Posting of Private Roads.**

All private roads shall be designated as such and shall be posted with a clearly readable sign. The lettering shall be a minimum of six (6) inches in height on a green background with white reflective lettering, which can be easily seen in an emergency. The sign shall be paid for, posted, and maintained by the property owners' association or proprietor(s). The applicant shall follow the procedures in the Alpena County Address Ordinance for a proposed road name to avoid a duplication of names.

**I. Notice of Easements.**

All purchasers of property where a private road provides access to the premises shall, prior to closing of the sale, receive from the seller a notice of easement, in recordable form, substantially conforming to the following:

1. This parcel of land has private road access across a permanent sixty-six (66') foot easement which is a matter of record and a part of the deed.
2. This notice is to make purchaser aware that this parcel of land has ingress and egress over this easement only.
3. Neither the County nor the Township has any responsibility for maintenance or upkeep of any improvements across this easement. This is the responsibility of the owners of record.
4. The United States mail service and the local school district are not required to traverse this private road and may provide service only to the closest public access.

**J. Fees.**

Before final approval, an application fee established by the Township Board and the cost for the Township to review the plans and inspect the construction shall be paid by the proprietor(s).

**K. Final Approval.**

The Planning Commission shall grant final recommendation of approval of a private road upon inspection and finding that the road is constructed according to the approved permit.

**L. Emergency Services.**

In the event that a private road is not constructed to the standards contained within this Section, the Township shall not be held liable for the inability to provide emergency services to properties accessed by said private road.

## Section 330 Signs

The purpose of the provisions of this Section is to regulate outdoor signs designed to be visible to the public in a manner which does not restrict the content while recognizing the mass communication needs of businesses and other parties. The number and size of signs may be distracting to motorists and pedestrians and can create a traffic hazard. The number and size of signs can also reduce the effectiveness of signs needed to direct the public and may mar the appearance of the landscape. The provisions of this Section are intended to apply the minimum amount of regulation in order to protect property values, preserve the desirable character and personality of the Charter Township of Alpena, create a more attractive business environment, and promote pedestrian and traffic safety. The use and erection of all outdoor signs and media shall be subject to the following provisions.

**A. General Regulations.**

In addition to the size limitations stated in **Subsection B**, the following conditions shall apply to all signs and billboards erected in any zoning district:

<b>1</b> Title & Purpose	<b>2</b> Definitions	<b>3</b> General Provisions	<b>4</b> District Regulations	<b>5</b> Site Plan Review & Plot Plans
<b>6</b> Special Land Use Review	<b>7</b> Supplemental Regulations	<b>8</b> Zoning Board of Appeals	<b>9</b> Administration & Enforcement	<b>10</b> Adoption & Amendments

1. **Approval Required.** No sign, except non-illuminated residential name plates and those listed in **Subsection D**, shall be erected or altered until approved by the Zoning Administrator or authorized by an approved site plan or building permit.
2. **Signs not to Constitute Traffic Hazard.** No outdoor advertising structure shall be erected where the position, size, movement, shape, or color may interfere with the view of, or be confused with, any authorized official traffic sign or device.
3. **Signs Erected by Governmental Agencies.** All signs, when established by the Township, County, State, or Federal governments, shall be permitted in all Districts.
4. **Illumination and Flashing/Moving Signs.** Illumination of signs shall be directed, shaded, or designed so as not to interfere with the vision of persons on the adjacent highway, streets, or properties. Illuminated signs shall not be of the flashing, moving, or intermittent type unless approved by the Zoning Administrator, 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.
5. **Signs Located at Intersections.** No signs or billboards 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. Signs shall conform to **Section 324 (Intersection Visibility)**.
6. **Projecting Signs.** No sign shall project beyond or overhang the wall, roof, or any architectural feature by more than five (5') feet. However, prior to the erection or overhanging of a sign in a public right-of-way, the sponsor of such sign shall receive the approval of the proper governmental agency having jurisdiction over such right-of-way (County or State).
7. **Obstructions to Doors, Windows and Fire Escapes.** No sign shall be erected or maintained so as to prevent free ingress or egress from any door, window, or fire escape. No sign of any kind shall be attached to a stand pipe or fire escape.
8. **Obscene Material.** No sign shall contain statements, words, or pictures of an obscene nature which would appeal predominantly to a prurient interest in sexual conduct, depict or describe sexual conduct in a patently offensive way, and be offensive, rude, lewd, or disgusting according to accepted moral standards.
9. **Substitution Clause.** Any sign that can be displayed under the provisions of this Ordinance may contain a non-commercial message.

10. **Setbacks.** Freestanding signs, such as pole signs and monument signs, may be permitted in a front yard set ten (10') feet or more behind the front property line. In cases where an obstruction, either natural or man-made, will impair the visibility of the sign, the Zoning Administrator may issue a waiver to allow for no setback, provided the sign is not a traffic hazard to passers-by on the adjacent roadway.
11. **Number of Signs Allowed. Subsection B** limits the number of freestanding and wall signs. The Planning Commission allow a deviation from the total number of signs, including wall and free standing signs, allowed on a parcel during site plan review. An applicant may also request this deviation at any time after site plan review. Factors considered will include building size, location, length of road frontage, and lot size.
12. **Nonconforming Signs.** Nonconforming signs are signs that do not comply with the regulations in this Ordinance including the size regulations of the zoning district in which located.
- Nonconforming signs that were otherwise lawful on the effective date of this Zoning Ordinance may be continued.
  - No person shall increase the extent of nonconformity of a nonconforming sign. 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.
  - A nonconforming sign may not be moved or replaced except to bring the sign into complete conformity with this Section.
  - 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 Zoning Ordinance. The remnants of the former sign structure not usable for a new conforming sign shall be removed within sixty (60) days. 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.
  - Subject to the other provisions of this Section, nonconforming signs may be repaired, maintained, serviced, or repainted if the framework and/or the size and/or shape of the sign remain unchanged. If such framework is altered or removed or the size and/or shape of the sign are altered, said sign must be changed to a conforming sign.
  - If a nonconforming off-premise sign has been deemed "abandoned", then **Subsection 13** applies.
13. **Abandoned Signs.**
- An abandoned sign is any sign to which any of the following applies:

(1) has remained blank over a period of one (1) year. "Blank" means that the primary message has been removed.

(2) The sign's message becomes illegible in whole or substantial part.

(3) A sign which has fallen into disrepair.

- b. In the event that a sign is determined, by the Zoning Administrator, to be abandoned, the Zoning Administrator shall give notice in the form of a letter to the property owner that the sign has been determined to be abandoned. The property owner shall have thirty (30) days to remove said sign. Upon the expiration of thirty (30) days, the Zoning Administrator shall give a second notice in the form of a letter. If the sign has not been removed upon the expiration of thirty (30) days from the date of the second notice, the Zoning Administrator is authorized to cause removal of such sign and any expense incident thereto shall be paid by the owner or lessee of the sign or, if such person cannot be found, by the owner of the building or structure or property to which such sign or structure is affixed. If such expense is not paid, the Township shall have a lien on the property and such cost shall be added to the tax bill for the property.

14. **Unsafe Signs.** Any sign declared, by the Zoning Administrator, to be unsafe to the public health, safety, and welfare shall be corrected or removed immediately. The required timing of such correction and removal shall be at the discretion of the Zoning Administrator.

#### B. Sign Standards.

1. **Allowable Sign Size Increase.** The Zoning Administrator may increase the allowable sign sizes and heights listed in **Subsection B** by up to twenty-five (25%) percent when it can be demonstrated that an increase is necessary to maintain proper sign visibility or to maintain architectural integrity.



**2. R-1, WR, and C Districts.**

Table 1: R-1, WR, and C Districts		
Sign Type	Residential Uses	Non-Residential Uses
	Maximum Size and Height	Maximum Size and Height
Freestanding	4 square feet 6 feet maximum height 1 freestanding sign allowed	32 square feet 6 feet maximum height
Wall Signs	n/a	10% percent of the face of each wall
Message Centers	n/a	Considered part of the primary sign (See <b>Table 5</b> )
For Non-Residential Uses: Freestanding signs shall be limited to one (1) except for a use that fronts on more than one (1) street frontage, in which case one (1) sign shall be permitted for each street frontage.		

**3. R-2, R-3, FR, and A Districts.**

Table 2: R-2, R-3, FR, and A Districts		
Sign Type	Residential Uses	Non-Residential Uses
	Maximum Size and Height	Maximum Size and Height
Freestanding	10 square feet 6 maximum height 1 freestanding sign allowed	32 square feet 6 feet maximum height
Wall Signs	n/a	10% percent of the face of each wall
Message Centers	n/a	Considered part of the primary sign (See <b>Table 5</b> )
For Non-Residential Uses: Freestanding signs shall be limited to one (1) except for a use that fronts on more than one street frontage, in which case one (1) sign shall be permitted for each street frontage.		

## 4. OS, B-1, B-2, B-3, I-1, and I-2 Districts.

Table 3: Speed Limits less than 35 MPH – Freestanding Signs

	Road Frontage of Property			
	100 ft or less	101-200 ft	201-300 ft	Over 300 ft
Maximum Sign Size	100 sq. ft.	100 sq.ft.	120 sq.ft.	120 sq.ft.
Maximum Sign Height	24 ft.	26 ft.	28 ft.	28 ft.

Table 4: Speed Limits 35-55 MPH – Freestanding Signs

	Road Frontage of Property			
	100 ft or less	101-200 ft	201-300 ft	Over 300 ft
Maximum Sign Size	120 sq. ft.	120 sq.ft.	130 sq.ft.	140 sq.ft.
Maximum Sign Height	28 ft.	32 ft.	32 ft.	32 ft.

## a. Notes for Table 3 and Table 4.

- (1) Where a business is located on a corner and the two (2) streets have different speed limits, the sign size and height may be designed to accommodate the higher speed limit.
- (2) Freestanding signs shall be limited to one (1) except for a use that fronts on more than one street frontage, in which case one (1) sign shall be permitted for each street frontage. If a use exceeds three hundred (300') feet on any frontage, one (1) additional sign shall be permitted, and for each multiple of three hundred (300') feet of frontage, one (1) additional sign shall be permitted.

Table 5: Wall Signs

Distance of Wall Sign from Road	Percentage of Building Face Permitted for Sign Area
0-100 ft.	Fifteen Percent (15%)
101-300 ft.	Twenty Percent (20%)
Over 300 ft.	Twenty-Five Percent (25%)

- b. Notes for Table 5. Roof signs may be allowed at the discretion of the Zoning Administrator in cases where no better alternative would exist for signage or when said roof display is necessary to maintain the architectural integrity of the structure to which it will be attached. Under no conditions shall any roof sign impair or obstruct the view of another structure or contribute to structural deficiency to the structure upon which it is mounted. Allowable square footage of graphic display shall not exceed the allowable sign size for wall signs, building signs, or parallel signs as noted in Table 3.

## 5. Other Signs – All Districts.

Table 6: Other Signs

Sign Type	Standards
Message Centers (non-residential property only)	<ol style="list-style-type: none"> <li>1. A message center is considered part of the primary sign and counts toward the total square footage of the primary sign.</li> <li>2. An electronic message center shall be allowed to have changing messages, scrolling message, and animation, but shall not be allowed to contain flashing elements.</li> <li>3. 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.</li> <li>4. An electronic message center shall contain a default mechanism that freezes the sign in one position if a malfunction occurs.</li> <li>5. An electronic message center shall contain a mechanism to automatically adjust the intensity of its display according to natural ambient light conditions.</li> <li>6. Number Allowed: Only one (1) static or one (1) electronic message center shall be permitted per property.</li> <li>7. Instruments which use technology to display or project digital messages onto windows or walls of buildings shall be considered an electronic message board and shall be subject to all provisions of this Ordinance.</li> </ol>
Projecting Signs (non-residential property only)	<ol style="list-style-type: none"> <li>1. One (1) projecting shall be permitted in addition to the primary freestanding and/or wall signs.</li> <li>2. The surface area of the projecting or suspended sign shall not exceed twenty (20) square feet on each side or a total of forty (40) square feet.</li> <li>3. The bottom of the projecting shall be a minimum of eight (8') feet above the surface of the sidewalk or ground area, or otherwise be located so as not to interfere with pedestrian traffic.</li> </ol>
Temporary Signs	<p>The total square footage of all temporary signs combined shall be no greater than:</p> <ul style="list-style-type: none"> <li>• 16 sq ft for Residential Uses</li> <li>• 32 sq ft for Nonresidential Uses</li> </ul>
Sail-Type Signs (also known as flag banners and feather flags) (non-residential property only)	<p>One (1) sail-type sign shall be allowed per twenty-five (25') lineal feet of road frontage. A clear line of sight shall be kept for all ingress/egress points on the property and on neighboring properties.</p>

Cluster Sign (Multiple Sign)	For multiple use facilities, such as but not limited to shopping centers, malls, and industrial parks, one (1) multiple use sign is allowed. The height shall not exceed forty (40) feet, and the sign size shall not exceed five hundred (500) square feet; however no single use sign shall exceed the size requirements of <b>Subsection B</b> .
Portable Changeable Copy Message Boards	Portable Changeable Copy Message Boards are prohibited in the Township.

### C. Off-Premise Signs.

1. In those instances where a business use or tourist service facility is not located directly on a major route but is dependent upon passer-by traffic for support, not more than three (3) off-premises signs per business may be permitted in the R-3, OS, B-1, B-2, B-3, I-1, I-2, A, and FR Districts, subject to review and approval of location by the Zoning Administrator. Not more than one (1) off-premise sign per lot or more than one (1) off-premise sign per one-hundred (100) feet of road frontage may be allowed. No off-premise signs shall be permitted in the R-1, R-2, WR, and C Districts.
2. Off-premise signs and billboards regulated and permitted by the Michigan Department of Transportation under the **Highway Advertising Act, 1972 PA 106**, as amended, and all other off-premise signs shall be subject to the limitations of **Subsections A and B**.
3. Existing Off-Premise Signs that do not conform to **Subsections A and B** shall be considered Nonconforming Signs and are subject to **Subsection A.12**.
4. **Digital Off-Premise Signs.**
  - a. **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.
  - b. **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.
  - c. Digital large off-premise signs shall be configured to default to a static display in the event of mechanical failure.

### D. Signs Allowed without a Permit.

The following signs are permitted in all districts except where restrictions are indicated, in accordance with the provisions of this Section and shall not require permits for erection:

<b>1</b> Title & Purpose	<b>2</b> Definitions	<b>3</b> General Provisions	<b>4</b> District Regulations	<b>5</b> Site Plan Review & Plot Plans
<b>6</b> Special Land Use Review	<b>7</b> Supplemental Regulations	<b>8</b> Zoning Board of Appeals	<b>9</b> Administration & Enforcement	<b>10</b> Adoption & Amendments

**1. Accessory Signs.**

- a. Accessory wall signs not exceeding four (4) square feet in area on non-residential property.
  - b. Accessory freestanding signs on nonresidential property that do not exceed four (4) square feet each.
2. Information when cut into any masonry surface or plaques when constructed of non-ferrous metal and attached to a building.
  3. Signs erected by an official governmental body, public utility, or historic agency.
  4. Flags.
  5. Projecting identification signs when located on or below a canopy, awning, or marquee which do not extend below a minimum height of eight (8') feet from ground level.
  6. Permanent non-residential accessory signs on non-residential accessory structures such as gas pumps or storage sheds.
  7. Temporary signs (including sail-type temporary signs).
  8. Bulletin boards erected by public, charitable, or religious institutions when they are located on the premises of such institutions.
  9. Signs not readable by motorists or pedestrians on any road, alley, water body, public lands, or adjacent parcels.
  10. Legal postings.
  11. Window Signs.

**E. Severance Clause for Signs.**

Provisions of **Section 330** shall be deemed to be severable, and should any section, subsection, paragraph, or provision thereof be declared by the courts to be unconstitutional or invalid, such holdings shall not affect the validity of this Section as a whole or any other part thereof, other than the part so declared to be unconstitutional or invalid. If any court shall declare invalid the application of any provision of this Section to a particular parcel, lot use, building, or structure, such ruling shall not affect the application of said provision to any other parcel, lot use, building, or structure not specifically included in said ruling.

**Section 331 General Exceptions**

The regulations in this Ordinance shall be subject to the following interpretations and exceptions:

**A. Essential Services.**

Essential services shall be permitted as authorized and regulated by law and other ordinances of the Township, it being the intention hereof to exempt such essential services from the application of this Ordinance.

**B. Voting Place.**

The provisions of this Ordinance shall not be so construed as to interfere with the temporary use of any property as a voting place in connection with a municipal or other public election.

**C. Height Limit.**

The height limitations of this Ordinance shall not apply to rooftop equipment, chimneys, church spires, flag poles, light poles, public monuments, wireless transmission towers, farm silos, or wind turbine generators, provided, however, that the Planning Commission may specify a height limit for any such structure when such structure requires authorization as a use permitted by special approval or use permitted in **Article 4** of this Ordinance.

**D. Lots Adjoining Alleys.**

In calculating the area of a lot that adjoins a dedicated alley or land, for the purpose of applying lot area requirements of this Ordinance, one-half (½) the width of such alley abutting the lot shall be considered as part of such lot.

**E. Yard Regulations.**

When yard regulations cannot reasonably be complied with, as in the case of a planned multiple-family development, or where their application cannot be determined on lots existing and of record at the time this Ordinance became effective, and on lots of peculiar shape, topography, or due to architectural or site arrangement, such regulations may be modified or determined by the Zoning Board of Appeals.

**F. Multiple Dwellings.**

For the purpose of side yard regulations, a two-(2) family, attached single-family, or multiple-family dwelling shall be considered as one (1) building occupying one (1) lot.

**G. Projections into Setbacks.**

1. Outside stairways, fire escapes, vestibules, balconies, bay windows, and similar projections from the face of a building extending more than four (4') feet above the established grade shall be considered part of the building and shall not extend into any required setback or open space.
2. Fences may occupy setback pursuant to **Section 320**.
3. Architectural features such as, but not limited to, chimneys, window sills, cornices, and eaves may extend or project into a required side setback not more than four (4") inches for each one (1') foot of width of such side yard, and may project or extend into a required front setback or rear setback not more than three (3') feet. Architectural features shall not include those details which are normally demountable.
4. Unenclosed vehicle storage or loading space may occupy parts of a side or rear yard and the area thus used shall not be computed in the total percentage of lot occupancy as long as it remains unenclosed.
5. Structures four (4') feet in height or less shall not be considered in computing maximum percent of lot coverage in residential districts.
6. Unenclosed paved areas, patios, and other surfaced areas at ground level may occupy a required setback.
7. **Entranceway Structures.** In all districts, entranceway structures, including but not limited to, walls, columns and gates marking entrances to single family homes and subdivisions, multiple-family housing projects, commercial developments, industrial developments, mixed-use developments, or similar uses may be permitted and may be located in a setback, except as provided in **Section 324 (Intersection Visibility)**, provided that such entranceway structures shall be approved during the required Administrative or Planning Commission review.

## Section 332 Outdoor Display

All outdoor display of merchandise shall be setback twenty-five (25') feet from the property line. No display shall be allowed in the right-of-way.



Charter Township of



# Article 4

## District Regulations

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407	R-1: One-Family Residential District	4-20	416	Full Table of Permitted & Special Land Uses	4-61
408	R-2: Rural Residential District	4-24	417	Schedule of Regulations	4-75

### Section 400 Districts

For the purpose of this Ordinance, the Charter Township of Alpena is hereby divided into the following districts:

C	Conservation District
FR	Forest Recreation District
A	Agricultural District
WR	Waterfront Residential District
R-1	One-Family Residential District
R-2	Rural Residential District
R-3	Mixed Residential District
OS	Office Service District
B-1	Restricted Business District
B-2	General Business District
B-3	Community Business District
M-1	Light Manufacturing District
M-2	Mixed Manufacturing District

**Section 401 Zoning Map****A. Zoning Map.**

The boundaries of the districts listed in **Section 400** are hereby established as shown on the Zoning Map, Charter Township of Alpena Zoning Ordinance, 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.

Regardless of the existence of purported copies of the Zoning District Map which may be published, a true and current copy of the Zoning District map available for public inspection shall be located in and maintained by the office of the Township Clerk. The Clerk's copy shall be the final authority as to the current status of any land, parcel, lot, district, use, building, or structure in the Township.

**B. District Boundaries.**

1. Unless shown otherwise, the boundaries of the districts are lot lines, section lines, the centerlines of streets, alleys, roads, railroads or such lines extended, and the unincorporated limits of the Township.
2. A boundary indicated as following a shoreline shall be construed as following such shoreline, and in the event of change in the shoreline shall be construed as following the shoreline existing at the time the interpretation is made. The boundary indicated as following the centerline of a stream or river, canal, lake or other body of water shall be construed as following such centerline.
3. 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.

**C. Zoning of Annexed Areas.**

Whenever any area is annexed to the Charter Township of Alpena, one (1) of the following conditions will apply:

1. Land that is zoned previous to annexation shall be classified as being in whichever district of this Ordinance most closely conforms with the zoning that existed prior to annexation, such classification to be recommended by the Planning Commission to the Township Board and the Board shall approve same by resolution.
2. Land not zoned prior to annexation shall be automatically classified as an R-1 District until a Zoning Map for said area has been adopted by the Township Board. The Planning Commission shall recommend the appropriate zoning districts for such area within three (3) months after the

matter is referred to it by the Township Board. The amendment process in **Section 1001** shall be followed.

#### D. Zoning of Vacated Areas.

Whenever any street, alley, or other public way within the Charter Township of Alpena shall have been vacated by official governmental action, and when the lands within the boundaries thereof attach to and come a part of the land formerly within such vacated street, alley, or public way shall automatically, and without further governmental action, thenceforth acquire and be subject to the same zoning regulations as are applicable to the lands to which same shall attach, and the same shall be used as is permitted under Ordinance for such adjoining lands.

#### E. 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 402 Application of District Regulations

#### A. Uses in Districts.

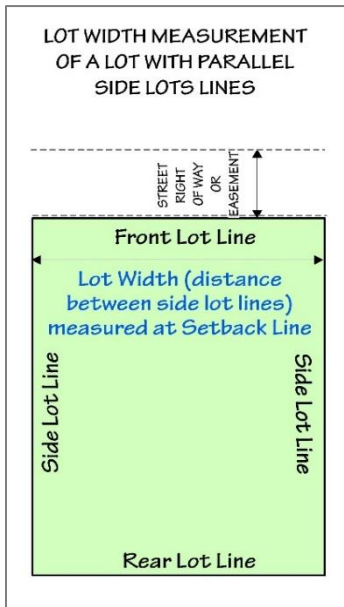
1. **Permitted Uses.** Permitted uses shall be permitted by right only if specifically listed as permitted uses in the various zoning districts or are similar to such listed uses as determined by the Planning Commission.
2. **Special Uses.** Special uses are permitted after review and approval by the Planning Commission only if specifically listed or are similar to such listed uses.

#### B. Application of Area and Width Regulations.

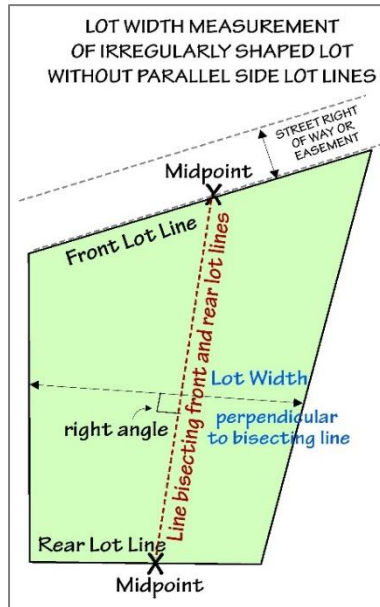
1. The area or width of a lot shall not be reduced below the minimum requirements herein established for the district in which such lot is located.
2. Every new parcel of land shall meet the minimum lot width requirements set forth in **Section 417 (Schedule of Regulations)** and shall have frontage on and/or direct access to a public road.
3. **Measuring Lot Width.** The horizontal distance, which is not necessarily parallel to the road right-of-way, between the side lot lines measured at the front setback line for lots with parallel side lot lines (**Figure A**). In the case of irregular shaped lots, the width shall be measured on a line drawn

perpendicular to a line that bisects the front and rear lot lines at a point midway along the front and rear lot lines (**Figure B**). In the case of a lot which has more than four (4) sides, the lot width shall be the minimum diameter of the largest circle that fits wholly within the lot (**Figure C**).

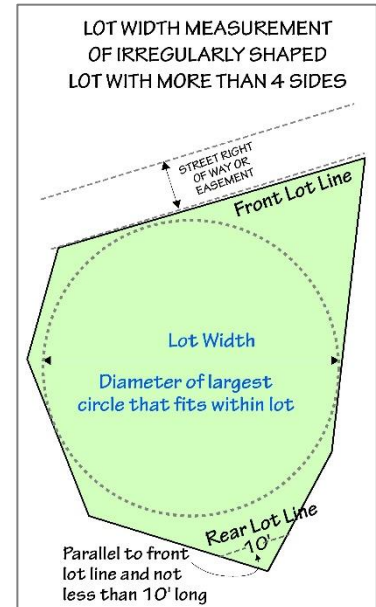
**Figure A**



**Figure B**



**Figure C**



### C. Application of Yard Regulations.

1. All front yard setbacks shall be measured from the right of way line to the eave (dripline) of the structure or to a raised, unroofed structure (i.e. deck).
2. All side and rear yard setbacks shall be measured perpendicular to the side and rear lot lines to the eave (dripline) of the structure or to a raised, unroofed structure (i.e. deck).
3. No building, structure, fence, or other permanent improvement shall be permitted to be erected or located within a public right-of-way.
4. **Double Frontage Lots.** Where lots have double street frontage, as distinguished from corner lots, the required front yard setback shall be provided on both streets.

### D. Application of Height Regulations.

1. No building shall be erected, converted, enlarged, reconstructed, or structurally altered to exceed the height limit hereinafter established for the district in which the building is located, except as otherwise provided in this Ordinance.

2. **Exceptions to Height Limitations.** The height limitations of this Ordinance shall not apply to rooftop equipment, chimneys, church spires, flag poles, light poles, public monuments, wireless transmission towers, farm silos, or wind turbine generators, provided however, that the Planning Commission may specify a height limit for any such structure when such structure requires authorization as a use permitted by special approval or use permitted in **Article 4** of this Ordinance.

Section 403 C: Conservation District

A. Intent.

C

The C - Conservation District is intended to designate large tracts of land for recreational and resource conservation purposes. The district includes State-owned forest and park lands as well as privately held recreational property. In addition, the Conservation District includes environmentally sensitive areas, such as wetlands, offshore islands, sinkhole areas, and other natural features which preclude intensive development.

B. Uses Allowed.

Permitted and Special Land Uses shall be limited to those listed below (also in **Section 416: Full Table of Permitted and Special Land Uses**) and shall be subject to all applicable provisions of **Article 5: Site Plan Review and Plot Plans**, **Article 6: Special Land Use Review**, and **Article 7: Supplemental Regulations**.

TABLE OF PERMITTED USES & SPECIAL LAND USES	
<i>P</i> = Permitted by right <i>S</i> = Permitted with a Special Use Permit <i>*supplemental development regulations</i>	C
<b>Agriculture, Animals &amp; Forest Products</b>	
Biofuel Production Facilities on Farms - §734	PS*
Boarding Stables; Riding Arenas	P
Farming, Domestic	P
Farming, Commercial	P
Farm Product Sales (Fruit/Vegetable Market) – not grown on premises	P
Farm Market/Roadside Stand (sale of product grown on premises)	P
Forest Products Processing (Saw Mills, Veneer Mills, Planing Mills & related operations)	S
Forestry/Forest Management (including forest harvesting and temporary log storage yards)	P
<b>Arts, Entertainment, &amp; Recreation</b>	
Campgrounds (publicly-owned) - §702	P*
Campgrounds (commercial) - §702	P*
Camps (Summer Camps) - §702	P*
Museums	S
Public Parks, Playgrounds, & Ball Fields	P
Recreation Area (outdoor)/Nature Parks/Nature Areas (public)	P
Recreation Areas (outdoor) (non-publicly owned – nonprofit, not open to the public)	S
RV (Travel Trailer) Parks - §702	S*
RV (Travel Trailer) Condominium Areas	S

TABLE OF PERMITTED USES & SPECIAL LAND USES	
<i>P</i> = Permitted by right <i>S</i> = Permitted with a Special Use Permit <i>*supplemental development regulations</i>	C
<b>Arts, Entertainment, &amp; Recreation (continued)</b>	
Marinas, Port and Dock Facilities - §711	S*
Wildlife Preserves, Zoos, & Animal Tours	P
<b>Communications</b>	
Antenna Towers & Masts (residential accessory use)	S
Small Cell Wireless Facilities - §730	P*
Wireless Communications Support Structures (cell towers) - §730	S*
<b>Human Care &amp; Social Assistance</b>	
Adult Foster Care Family Homes (6 or less)	P
Adult Foster Care Small Group Home (7-12)	S
Adult Foster Care Large Group Home (13-20)	S
Child Care Home, Family (6 or less)	P
Child Care Home, Group (7 -12)	S
State-Licensed Residential Facilities (Adult Foster Care 6 or less)	P
<b>Manufacturing, Mining &amp; Waste Management</b>	
Mining (incl sand, gravel, rock and mineral extraction) - §733	S*
<b>Miscellaneous</b>	
Accessory Buildings & Uses - §305	PS*
Planned Unit Developments - §738	S*
Site Condominium Development - §739	S*

TABLE OF PERMITTED USES & SPECIAL LAND USES	
<b>P</b> = Permitted by right <b>S</b> = Permitted with a Special Use Permit *supplemental development regulations	<b>C</b>
<b>Residential Uses</b>	
Accessory Dwelling Units/Guest Houses - §737	S*
Cottage Industries - §718	S*
Home Occupations - §718	P*
Single-Family Attached Dwelling (townhouses; condominiums)	P
Single-Family Detached Dwelling	P
Tiny Homes as Principal Dwelling - §740	S*
Two-Family Dwelling (duplex)	P

TABLE OF PERMITTED USES & SPECIAL LAND USES	
<b>P</b> = Permitted by right <b>S</b> = Permitted with a Special Use Permit *supplemental development regulations	<b>C</b>
<b>Transportation, Storage &amp; Wholesale</b>	
Charter Boat Operations/Passenger Boat Ferries (waterfront only)	S*
Marinas, Port and Dock Facilities - §711	S*
<b>Utilities &amp; Energy</b>	
Hydroelectric Facilities (dams, substations, transmission lines)(waterfront only)	S*
Solar Energy Panels (as Accessory Use) - §732	P*
Wind Turbine Generators and Anemometer Towers (utility grid or commercial) - §731	S*
Wind Turbine Generators (on-site or private) - §731	S*

### C. Development Standards for C District.

#### 1. Lot & Structure Standards

a. Lot Area	5 acres
b. Lot Width (min.)	300 ft (The length of the lot shall not exceed four (4) times the width)
c. Building Height (max.)	2 stories or 30 ft
d. Dwelling Unit Size (min.)	600 sq ft (no minimum width) Tiny homes as the principal dwelling (from 250 sq ft – 599 sq ft) require a Special Use Permit.
e. Lot Coverage (max.)	None

#### 2. Setbacks

(Figure 403A)

a. Front (min.)	25 ft
b. Waterfront (min.)	25 ft from ordinary high water mark
c. Rear (min.)	35 ft
d. Side (min.)	20 ft – at least one side      40 ft - total of two sides

#### 3. Additional Development Standards

a. Front Setback Averaging	Where the front yards of two (2) or more principal structures in any block in existence at the time of the passage of this Ordinance, within the district zoned, and on the same side of the street, are less than the minimum front yard indicated above, then any building subsequently erected on that side of the street shall not be less and need not be greater than the average depth of the front yards of said two (2) or more structures. (Figure 403B)
b. Accessory Buildings	See §305.
c. Screening	When a non-residential use abuts a residential use or district, screening is required per §321.
d. Fences	See §320.
e. Permitted Encroachments	See §331
f. Signs	See §330
g. Parking	See §325 for Parking Requirements incl. Subsection B.4 (Parking Lot Landscaping).



Figure 403A

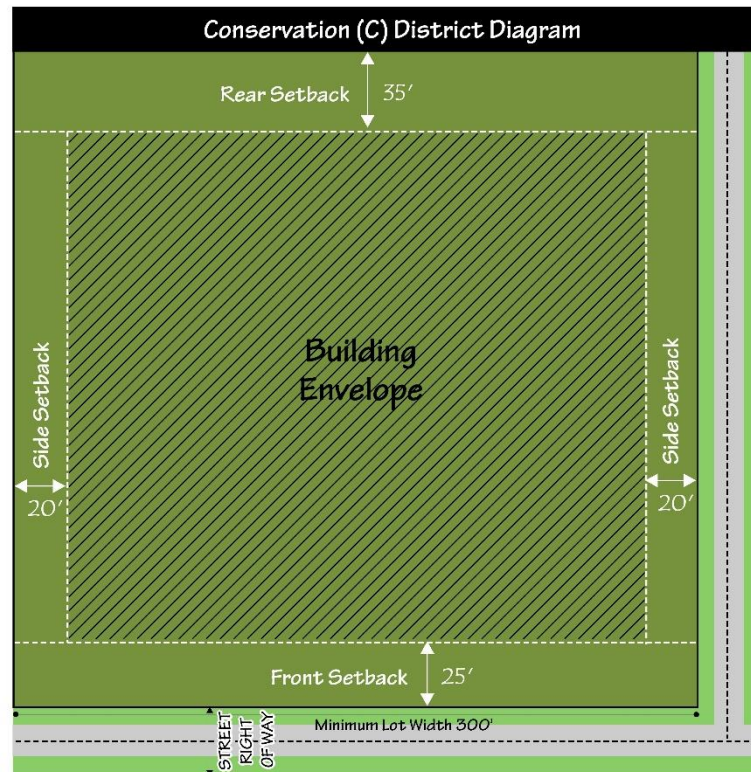
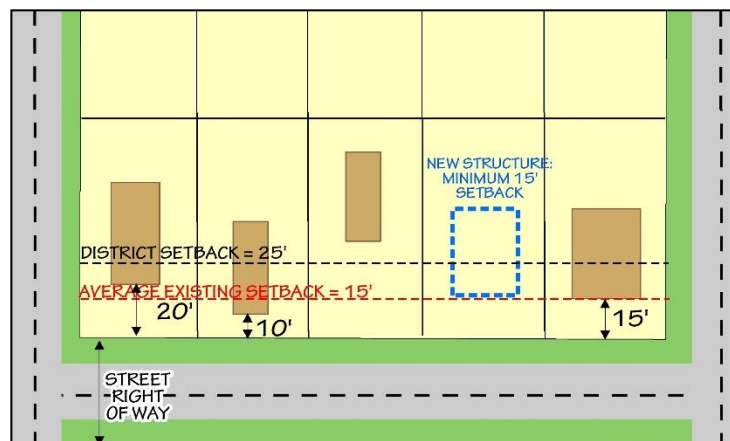


Figure 403B



## Section 404 FR: Forest Recreation District

### A. Intent.

FR

The FR-Forest Recreation District is designed to promote the use of wooded and rural areas of the Township in a manner that will retain the basic attractiveness of natural resources and provide enjoyment for both visitors and the community at large.

### B. Uses Allowed.

Permitted and Special Land Uses shall be limited to those listed below (also in **Section 416: Full Table of Permitted and Special Land Uses**) and shall be subject to all applicable provisions of **Article 5: Site Plan Review and Plot Plans**, **Article 6: Special Land Use Review**, and **Article 7: Supplemental Regulations**.

TABLE OF PERMITTED USES & SPECIAL LAND USES	
<b>P</b> = Permitted by right <b>S</b> = Permitted with a Special Use Permit *supplemental development regulations	<b>FR</b>
<b>Accommodation &amp; Food/Event Services</b>	
Bed & Breakfasts & Tourist Homes	<b>S</b>
Commercial Event Facilities - §742	<b>S*</b>
Food Trucks - §741	<b>S*</b>
Hotels & Motels (attached or detached units) - §709	<b>S*</b>
Resorts and Vacation Lodges §709	<b>S*</b>
Rooming Houses/Boarding Houses	<b>S</b>
<b>Agriculture, Animals &amp; Forest Products</b>	
Animal Shelter	<b>S</b>
Agricultural Tourism Businesses (on Farms)	<b>S</b>
Biofuel Production Facilities on Farms - §734	<b>PS*</b>
Boarding Stables; Riding Arenas	<b>P</b>
Farming, Domestic	<b>P</b>
Farming, Commercial	<b>P</b>
Farm Product Sales (Fruit/Vegetable Market) – not grown on premises	<b>P</b>
Farm Market/Roadside stand (sale of product grown on premises)	<b>P</b>
Firewood Sales (Commercial - using machinery)	<b>S</b>
Firewood Sales (Commercial - NOT using machinery)	<b>S</b>
Forest Products Processing (Saw Mills, Veneer Mills, Planing Mills & related operations)	<b>S</b>
Forestry/Forest Management (including forest harvesting and temporary log storage yards)	<b>P</b>
Kennels - §705	<b>P*</b>

TABLE OF PERMITTED USES & SPECIAL LAND USES	
<b>P</b> = Permitted by right <b>S</b> = Permitted with a Special Use Permit *supplemental development regulations	<b>FR</b>
<b>Arts, Entertainment &amp; Recreation</b>	
Campgrounds (publicly-owned) - §702	<b>P*</b>
Campgrounds (commercial) - §702	<b>S*</b>
Boat/Canoe/Kayak Liveries - §711	<b>S*</b>
Marinas, Port and Dock Facilities - §711	<b>S*</b>
Museums	<b>S</b>
Public Parks, Playgrounds, & Ball Fields	<b>P</b>
Recreation Area (outdoor)/Nature Parks/Nature Areas (public)	<b>P</b>
Recreation Areas (outdoor) (non-publicly owned – nonprofit, not open to the public)	<b>S</b>
RV (Travel Trailer) Parks - §702	<b>S*</b>
RV (Travel Trailer) Condominium Areas	<b>S</b>
Wildlife Preserves, Zoos, & Animal Tours	<b>P</b>
<b>Communications</b>	
Antenna Towers & Masts (residential accessory use)	<b>S</b>
Small Cell Wireless Facilities - §730	<b>P*</b>
Wireless Communications Support Structures (cell towers) - §730	<b>S*</b>
<b>Educational Services &amp; Religion</b>	
Colleges/Universities Institutions of Higher/ Specialized Learning (i.e. business schools)	<b>P</b>
Religious Institutions & Customary Accessory Uses	<b>P</b>

TABLE OF PERMITTED USES & SPECIAL LAND USES	
<b>P</b> = Permitted by right <b>S</b> = Permitted with a Special Use Permit *supplemental development regulations	<b>FR</b>
<b>Human Care &amp; Social Assistance</b>	
Adult Day Care Facility (6 or less) – in home	<b>P</b>
Adult Day Care Facility (greater than 6) – In home	<b>S</b>
Adult Foster Care Family Homes (6 or less)	<b>P</b>
Adult Foster Care Small Group Home (7-12)	<b>S</b>
Adult Foster Care Large Group Home (13-20)	<b>S</b>
Child Care Home, Family (6 or less)	<b>P</b>
Child Care Home, Group (7 -12)	<b>S</b>
State-Licensed Residential Facilities (Adult Foster Care 6 or less)	<b>P</b>
<b>Manufacturing, Mining &amp; Waste Management</b>	
Mining (incl sand, gravel, rock and mineral extraction) - §733	<b>S*</b>
<b>Miscellaneous</b>	
Accessory Buildings & Uses - §305	<b>PS*</b>
Cemeteries including Columbaria and Mausoleums - §716	<b>S*</b>
Planned Unit Developments - §738	<b>S*</b>
Site Condominium Development - §739	<b>S*</b>
<b>Residential Uses</b>	
Accessory Dwelling Units/Guest Houses - §737	<b>S*</b>

TABLE OF PERMITTED USES & SPECIAL LAND USES	
<b>P</b> = Permitted by right <b>S</b> = Permitted with a Special Use Permit *supplemental development regulations	<b>FR</b>
Cottage Industries - §718	<b>S*</b>
Home Occupations - §718	<b>P*</b>
Single-Family Attached Dwelling (townhouses; condominiums)	<b>P</b>
Single-Family Detached Dwelling	<b>P</b>
Tiny Homes as Principal Dwelling - §740	<b>S*</b>
Two-Family Dwelling (duplex)	<b>P</b>
<b>Transportation, Storage &amp; Wholesale</b>	
Airports, Aviation Support Services, Heliports & Landing Fields - §701	<b>S*</b>
Charter Boat Operations/Passenger Boat Ferries (waterfront only)	<b>S</b>
Marinas, Port & Dock Facilities - §711	<b>S*</b>
<b>Utilities &amp; Energy</b>	
Hydroelectric Facilities (dams, substations, transmission lines) (waterfront only)	<b>S</b>
Solar Energy Facility (Utility-Scale) - §732	<b>S*</b>
Solar Energy Panels (as Accessory Use) - §732	<b>P*</b>
Wind Turbine Generators and Anemometer Towers (utility grid or commercial) - §731	<b>S*</b>
Wind Turbine Generators (on-site or private) - §731	<b>S*</b>

## C. Development Standards for FR District

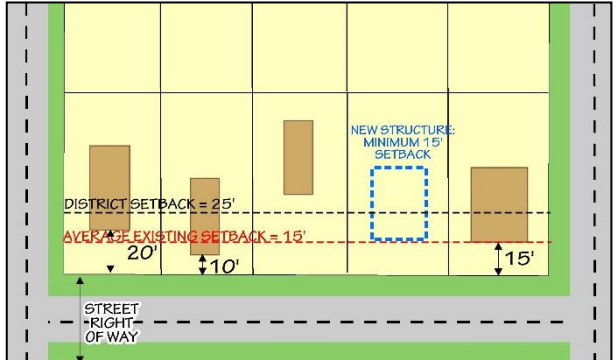
### 1. Lot & Structure Standards

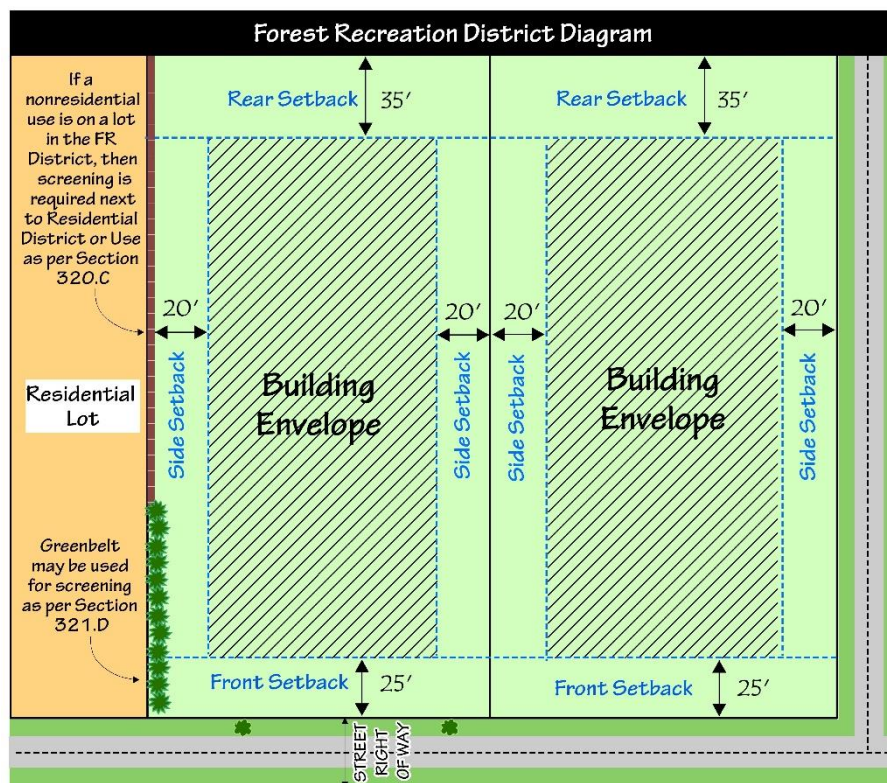
a. Lot Area	40,000 sq ft
b. Lot Width (min.)	150 ft (The length of the lot shall not exceed four (4) times the width)
c. Building Height (max.)	2 stories or 30 ft
d. Floor Area (min.)	600 sq ft (no minimum width) Minimum floor area requirements shall not include area of basements, utility rooms, breezeways, porches, or attached garages. Tiny homes as the principal dwelling (from 250 sq ft – 599 sq ft) require a Special Use Permit.
e. Lot Coverage (max.)	35%

### 2. Setbacks

a. Front (min.)	25 ft
b. Waterfront (min.)	25 ft from ordinary high water mark
c. Rear (min.)	35 ft
d. Side (min.)	20 ft – at least one side 40 ft - total of two sides

### 3. Additional Development Standards

a. Front Setback Averaging	Where the front yards of two (2) or more principal structures in any block in existence at the time of the passage of this Ordinance, within the district zoned, and on the same side of the street, are less than the minimum front yard indicated above, then any building subsequently erected on that side of the street shall not be less and need not be greater than the average depth of the front yards of said two (2) or more structures.	
b. Accessory Buildings	See §305.	
c. Screening	When a non-residential use abuts a residential use or district, screening is required per §321.	
d. Fences	See §320.	
e. Permitted Yard Encroachments	See §331	
f. Lots on US 23 or M-32	See §327	
g. Signs	See §330	
h. Parking	See §325 for Parking Requirements including Subsection B.4 (Parking Lot Landscaping).	





**Section 405 A: Agricultural District****A. Intent.****A**

The A - Agricultural District is designed to conserve large tracts of productive agricultural land for active farming use. The district is intended to include agricultural accessory uses, one- and two-family dwelling units, and other open space or low-density recreational uses consistent with an agricultural setting.

**B. Uses Allowed.**

Permitted and Special Land Uses shall be limited to those listed below (also in **Section 416: Full Table of Permitted and Special Land Uses**) and shall be subject to all applicable provisions of **Article 5: Site Plan Review and Plot Plans**, **Article 6: Special Land Use Review**, and **Article 7: Supplemental Regulations**.

<b>TABLE OF PERMITTED USES &amp; SPECIAL LAND USES</b>	
<b>P</b> = Permitted by right <b>S</b> = Permitted with a Special Use Permit *supplemental development regulations	<b>A</b>
<b>Accommodation &amp; Food/Event Services</b>	
Bed & Breakfasts & Tourist Homes	<b>S</b>
Commercial Event Facilities - §742	<b>S*</b>
Food Trucks - §741	<b>S*</b>
Rooming Houses/Boarding Houses	<b>S</b>
Wineries/Cider Mills with Retail Sales/Tasting Rooms	<b>P</b>
<b>Agriculture, Animals &amp; Forest Products</b>	
Agricultural Products Processing and Storage (excluding concentrated animal feeding operations and slaughter houses)	<b>P</b>
Animal Sales Yards/Auctions for Livestock	<b>S</b>
Animal Shelter	<b>S</b>
Agricultural Tourism Businesses (on Farms)	<b>S</b>
Biofuel Production Facilities on Farms - §734	<b>PS*</b>
Boarding Stables; Riding Arenas	<b>P</b>
Composting Facility (large scale facility – compost material brought in and deposited)	<b>S</b>
Farming, Domestic	<b>P</b>
Farming, Commercial	<b>P</b>
Farm Product Sales (Fruit/Vegetable Market) – not grown on premises	<b>P</b>
Farm Market/Roadside Stand (sale of product grown on premises)	<b>P</b>
Firewood Sales (Commercial - using machinery)	<b>S</b>
Firewood Sales (Commercial - NOT using machinery)	<b>S</b>

<b>TABLE OF PERMITTED USES &amp; SPECIAL LAND USES</b>	
<b>P</b> = Permitted by right <b>S</b> = Permitted with a Special Use Permit *supplemental development regulations	<b>A</b>
<b>Agriculture, Animals &amp; Forest Products (continued)</b>	
Forestry/Forest Management (including forest harvesting and temporary log storage yards)	<b>P</b>
Grain Elevators	<b>P</b>
Greenhouse; Nursery; Hoophouse	<b>P</b>
Kennels - §705	<b>P*</b>
Landscaping Establishment	<b>P</b>
Veterinary Clinic/Animal Hospital - §720	<b>P*</b>
<b>Arts, Entertainment &amp; Recreation</b>	
Archery Ranges (& as accessory use), Indoor	<b>S</b>
Campgrounds (publicly-owned)- §702	<b>S*</b>
Campgrounds (commercial) - §702	<b>S*</b>
Camps (Summer Camps) - §702	<b>S*</b>
Country Clubs	<b>S</b>
Golf Courses	<b>S</b>
Golf Driving Ranges	<b>S</b>
Museums	<b>S</b>
Outdoor Performance Facilities	<b>S</b>
Public Parks, Playgrounds, & Ball Fields	<b>P</b>
Race Tracks - §706	<b>S*</b>
Recreation Area (outdoor)/Nature Parks/Nature Areas (public)	<b>S</b>
Recreation Areas (outdoor) (non-publicly owned – nonprofit, not open to the public)	<b>S</b>
RV (Travel Trailer) Parks - §702	<b>S*</b>
RV (Travel Trailer) Condominium Areas	<b>S</b>

### TABLE OF PERMITTED USES & SPECIAL LAND USES

<b>P</b> = Permitted by right <b>S</b> = Permitted with a Special Use Permit *supplemental development regulations	<b>A</b>
<b>Arts, Entertainment &amp; Recreation (continued)</b>	
Sportsmen's Association/Firearms Ranges/Archery Ranges (outdoor)	<b>S</b>
Tours (Commercial Operations) (For ground and water passenger tours, see Transportation, Storage & Wholesale)	<b>S</b>
Wildlife Preserves, Zoos, Animal Tours	<b>P</b>
<b>Commercial, Services &amp; Retail</b>	
Panning for Gold/Other Minerals (business operation)	<b>S</b>
<b>Communications</b>	
Antenna Towers & Masts (residential accessory use)	<b>S</b>
Small Cell Wireless Facilities - §730	<b>P*</b>
Wireless Communications Support Structures (cell towers) - §730	<b>S*</b>
<b>Educational Services &amp; Religion</b>	
Colleges/Universities/Institutions of Higher/ Specialized Learning (i.e. business schools)	<b>P</b>
Religious Institutions & Customary Accessory Uses	<b>P</b>
<b>Human Care &amp; Social Assistance</b>	
Adult Day Care Facility (6 or less adults) – in home	<b>P</b>
Adult Day Care Facility (greater than 6 adults) – In home	<b>S</b>
Adult Foster Care Family Homes (6 or less)	<b>P</b>
Adult Foster Care Small Group Home (7-12)	<b>S</b>
Adult Foster Care Large Group Home (13-20)	<b>S</b>
Child Care Home, Family (6 or less)	<b>P</b>
Child Care Home, Group (7 -12)	<b>S</b>
State-Licensed Residential Facilities (Adult Foster Care 6 or less)	<b>P</b>
<b>Manufacturing, Mining &amp; Waste Management</b>	
Mining (incl sand, gravel, rock and mineral extraction)- §733	<b>S*</b>
<b>Miscellaneous</b>	
Accessory Buildings & Uses - §305	<b>PS*</b>
Cemeteries including Columbaria and Mausoleums - §716	<b>S*</b>
Planned Unit Developments - §738	<b>S*</b>
Site Condominium Development - §739	<b>S*</b>

### TABLE OF PERMITTED USES & SPECIAL LAND USES

<b>P</b> = Permitted by right <b>S</b> = Permitted with a Special Use Permit *supplemental development regulations	<b>A</b>
<b>Residential Uses</b>	
Accessory Dwelling Units/Guest Houses - §737	<b>S*</b>
Cottage Industries - §718	<b>S*</b>
Home Occupations - §718	<b>P*</b>
Single-Family Attached Dwelling (townhouses; condominiums)	<b>P</b>
Single-Family Detached Dwelling	<b>P</b>
Tiny Homes as the Principal Dwelling - §740	<b>S*</b>
Two-Family Dwelling (duplex)	<b>P</b>
<b>Transportation, Storage &amp; Wholesale</b>	
Charter Boat Operations/Passenger Boat Ferries (waterfront only)	<b>S</b>
Marinas, Port and Dock Facilities - §711	<b>S*</b>
<b>Utilities &amp; Energy</b>	
Hydroelectric Facilities (dams, substations, transmission lines)(waterfront only)	<b>S</b>
Solar Energy Facility (Utility-Scale) - §732	<b>S*</b>
Solar Energy Panels (as Accessory Use) - §732	<b>P*</b>
Wind Turbine Generators and Anemometer Towers (utility grid or commercial) - §731	<b>S*</b>
Wind Turbine Generators (on-site or private) - §731	<b>S*</b>

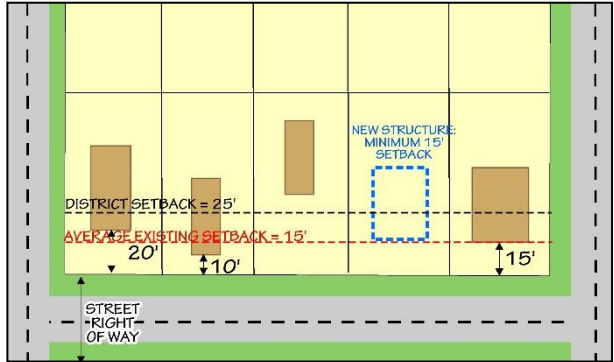
**C. Development Standards for A District.****1. Lot & Structure Standards**

a. Lot Area	40,000 sq ft
b. Lot Width (min.)	150 ft (The length of the lot shall not exceed four (4) times the width)
c. Building Height (max.)	2 stories or 30 feet
d. Floor Area (min.)	600 sq ft (no minimum width) Minimum floor area requirements shall not include area of basements, utility rooms, breezeways, porches, or attached garages. Tiny homes as the principal dwelling (from 250 sq ft – 599 sq ft) require a Special Use Permit.
e. Lot Coverage (max.)	----

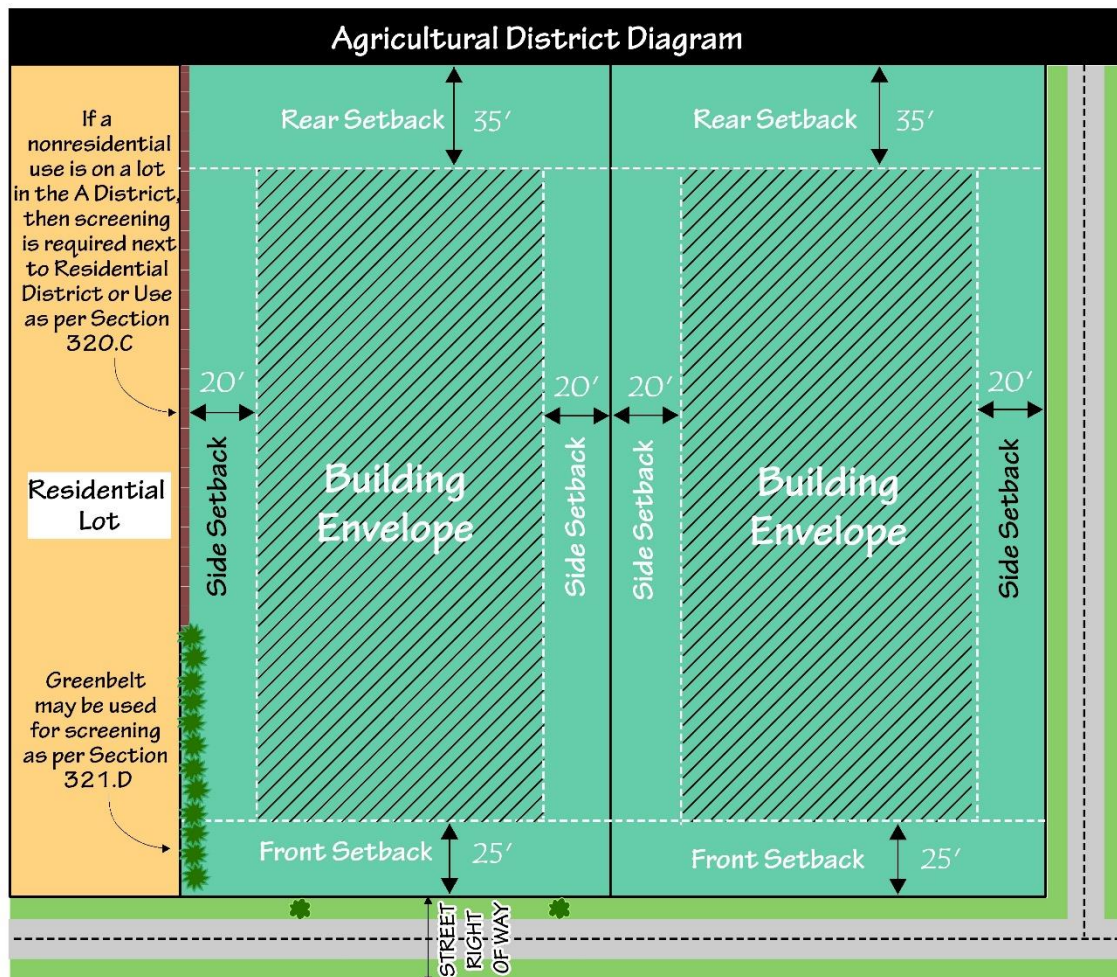
**2. Setbacks**

a. Front (min.)	25 ft
b. Waterfront (min.)	25 ft from ordinary high water mark
c. Rear (min.)	35 ft
d. Side (min.)	20 ft – at least one side 40 ft - total of two sides

**3. Additional Development Standards**

a. Front Setback Averaging	<p>Where the front yards of two (2) or more principal structures in any block in existence at the time of the passage of this Ordinance, within the district zoned, and on the same side of the street, are less than the minimum front yard indicated above, then any building subsequently erected on that side of the street shall not be less and need not be greater than the average depth of the front yards of said two (2) structures.</p> 
b. Accessory Buildings	See §305.
c. Screening	When a non-residential use abuts a residential use or district, screening is required per §321.
d. Fences	See §320.
e. Permitted Yard Encroachments	See §331
f. Signs	See §330
g. Parking	See §325 for <b>Parking Requirements</b> including <b>Subsection B.4 (Parking Lot Landscaping)</b> .



**1** Title & Purpose**2** Definitions**3** General Provisions**4** District Regulations**5** Site Plan Review & Plot Plans**6** Special Land Use Review**7** Supplemental Regulations**8** Zoning Board of Appeals**9** Administration & Enforcement**10** Adoption & Amendments

**Section 406 WR: Waterfront Residential District****A. Intent.****WR**

The WR - Waterfront Residential District is primarily established to provide residential sites and uses on Lake Huron, inland lakes, and streams within the Township in keeping with the Master Plan. In addition to waterfront residential uses, the district will allow as a special land use certain commercial and recreational developments which are water-related, providing such development is designed to be compatible with the residential character of neighboring properties. Further, all development plans are intended to insure the continued maintenance of high environmental quality in Township waters and shoreline areas.

**B. Uses Allowed.**

Permitted and Special Land Uses shall be limited to those listed below (also in **Section 416: Full Table of Permitted and Special Land Uses**) and shall be subject to all applicable provisions of **Article 5: Site Plan Review and Plot Plans**, **Article 6: Special Land Use Review**, and **Article 7: Supplemental Regulations**.

<b>TABLE OF PERMITTED USES &amp; SPECIAL LAND USES</b>	
<b>P</b> = Permitted by right <b>S</b> = Permitted with a Special Use Permit *supplemental development regulations	<b>WR</b>
<b>Accommodation &amp; Food/Event Services</b>	
Bed & Breakfasts & Tourist Homes	<b>S</b>
Cabin/Cottage Complex (permanent structures only)- <a href="#">§709</a>	<b>S*</b>
Hotels & Motels (attached or detached units) - <a href="#">§709</a>	<b>S*</b>
Resorts and Vacation Lodges <a href="#">§709</a>	<b>S*</b>
Restaurants without Drive-Through	<b>S</b>
Rooming Houses/Boarding Houses	<b>S</b>
<b>Agriculture, Animals &amp; Forest Products</b>	
Firewood Sales (Commercial - NOT using machinery)	<b>S</b>
<b>Arts, Entertainment &amp; Recreation</b>	
Campgrounds (publicly-owned) - <a href="#">§702</a>	<b>S*</b>
Campgrounds (commercial) - <a href="#">§702</a>	<b>S*</b>
Camps (Summer Camps) - <a href="#">§702</a>	<b>S*</b>
Canoe/Boat/Kayak Liveries - <a href="#">§711</a>	<b>S*</b>
Equipment Rental, Non-Motorized (Outfitter)	<b>S</b>
Golf Courses	<b>S</b>
Marinas, Port & Dock Facilities - <a href="#">§711</a>	<b>S*</b>
Museums	<b>S</b>
Public Parks, Playgrounds, & Ball Fields	<b>P</b>
Recreation Area (outdoor)/Nature Parks/Nature Areas (public)	<b>P</b>

<b>TABLE OF PERMITTED USES &amp; SPECIAL LAND USES</b>	
<b>P</b> = Permitted by right <b>S</b> = Permitted with a Special Use Permit *supplemental development regulations	<b>WR</b>
<b>Arts, Entertainment &amp; Recreation (continued)</b>	
Recreation Areas (outdoor) (non-publicly owned – nonprofit, not open to the public)	<b>S</b>
RV (Travel Trailer) Parks - <a href="#">§702</a>	<b>S*</b>
RV (Travel Trailer) Condominium Areas - <a href="#">§711</a>	<b>S*</b>
<b>Commercial, Services &amp; Retail</b>	
Boat Sales & Repair	<b>S</b>
<b>Communications</b>	
Antenna Towers & Masts (residential accessory use)	<b>S</b>
Small Cell Wireless Facilities - <a href="#">§730</a>	<b>P*</b>
Wireless Communications Support Structures (cell towers) - <a href="#">§730</a>	<b>S*</b>
<b>Human Care &amp; Social Assistance</b>	
Adult Foster Care Family Homes (6 or less)	<b>P</b>
Adult Foster Care Small Group Home (7-12)	<b>S</b>
Child Care Home, Family (6 or less)	<b>P</b>
Child Care Home, Group (7 -12)	<b>S</b>
State-Licensed Residential Facilities (Adult Foster Care 6 or less)	<b>P</b>
<b>Manufacturing, Mining &amp; Waste Management</b>	
Mining (incl sand, gravel, rock and mineral extraction) - <a href="#">§733</a>	<b>S*</b>

TABLE OF PERMITTED USES & SPECIAL LAND USES	
<b>P</b> = Permitted by right <b>S</b> = Permitted with a Special Use Permit *supplemental development regulations	<b>WR</b>
<b>Miscellaneous</b>	
Accessory Buildings & Uses - §305	<b>PS*</b>
Cemeteries including Columbaria & Mausoleums - §716	<b>S*</b>
Planned Unit Developments - §738	<b>S*</b>
Ponds greater than 500 sq ft or greater than 2.5 ft deep	<b>S</b>
Site Condominium Development - §739	<b>S*</b>
<b>Residential Uses</b>	
Accessory Dwelling Units/Guest Houses - §737	<b>S*</b>
Cottage Industries - §718	<b>S*</b>
Home Occupations - §718	<b>P*</b>
Single-Family Attached Dwelling (townhouses; condominiums)	<b>P</b>
Single-Family Detached Dwelling	<b>P</b>

TABLE OF PERMITTED USES & SPECIAL LAND USES	
<b>P</b> = Permitted by right <b>S</b> = Permitted with a Special Use Permit *supplemental development regulations	<b>WR</b>
<b>Residential Uses (continued)</b>	
Multiple-Family Dwelling Units - §710	<b>S*</b>
Tiny Homes as Principal Dwelling - §740	<b>S*</b>
Two-Family Dwelling (duplex) §710	<b>P*</b>
<b>Transportation, Storage &amp; Wholesale</b>	
Charter Boat Operations/Passenger Boat Ferries (waterfront only)	<b>S</b>
Marinas, Port & Dock Facilities §711	<b>S*</b>
<b>Utilities &amp; Energy</b>	
Hydroelectric Facilities (dams, substations, transmission lines) (waterfront only)	<b>S</b>
Solar Energy Panels (as Accessory Use) - §732	<b>P*</b>
Wind Turbine Generators (on-site or private) - §731	<b>S*</b>

### C. Development Standards for WR District.

#### 1. Lot & Structure Standards

a. Lot Area	15,000 sq ft
b. Lot Width (min.)	100 ft (The length of the lot shall not exceed four (4) times the width)
c. Building Height (max.)	2 stories or 30 ft
d. Floor Area (min.)	960 sq ft Minimum floor area requirements shall not include area of basements, utility rooms, breezeways, porches, or attached garages. Tiny homes as the principal dwelling (from 250 sq ft – 959 sq ft) require a Special Use Permit.
e. Dwelling Unit Width (min.)	24 ft
f. Lot Coverage (max.)	Single-Family, Detached: 35%; All other uses: 50%. The Planning Commission shall have the authority to approve a greater percentage lot coverage for all uses.

#### 2. Setbacks

a. Front (min.)	25 ft
b. Waterfront (min.)	25 ft from ordinary high water mark
c. Rear (min.)	25 ft
d. Side (min.)	5 ft – at least one side    15 ft - total of two sides
e. Side – Streetside (min.)	10 ft when there is a common rear yard. For reversed corner lots – street side yard shall be equal to the front yard setback of the district.
f. Lots with Multiple Dwellings	For the purpose of said yard regulations, multiple dwellings shall be considered as one (1) building occupying one (1) lot.

1 Title &amp; Purpose

2 Definitions

3 General Provisions

4 District Regulations

5 Site Plan Review &amp; Plot Plans

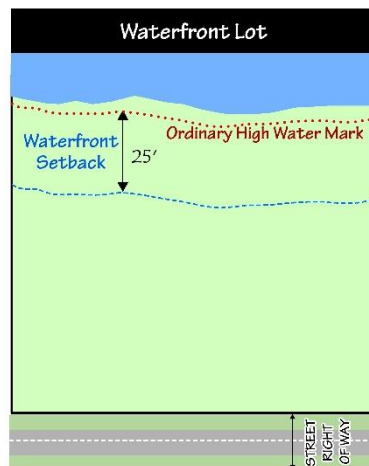
6 Special Land Use Review

7 Supplemental Regulations

8 Zoning Board of Appeals

9 Administration &amp; Enforcement

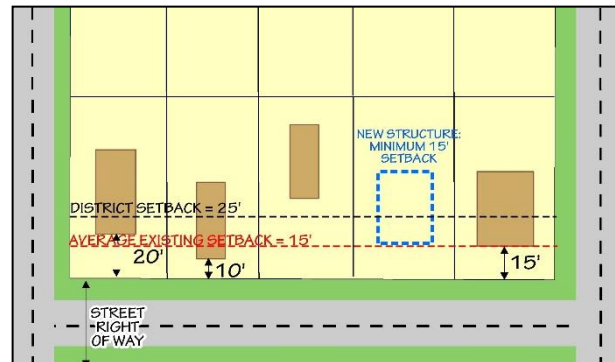
10 Adoption &amp; Amendments



### 3. Additional Development Standards for WR

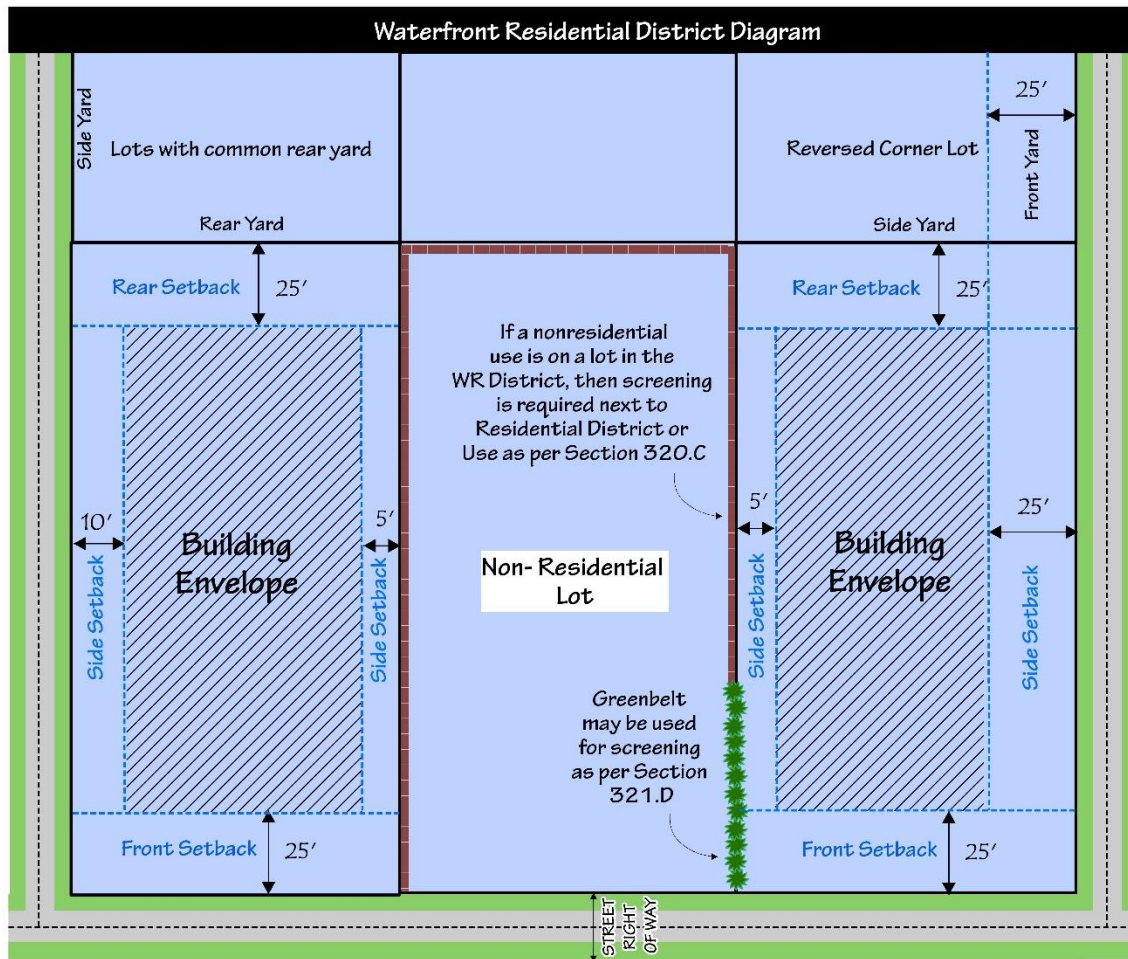
a. Front Setback Averaging

Where the front yards of two (2) or more principal structures in any block in existence at the time of the passage of this Ordinance, within the district zoned, and on the same side of the street, are less than the minimum front yard indicated above, then any building subsequently erected on that side of the street shall not be less and need not be greater than the average depth of the front yards of said two (2) structures.



b. Accessory Buildings	See <b>§305</b> .
c. Screening	When a non-residential use abuts a residential use or district, screening is required per <b>§321</b> .
d. Fences	See <b>§320</b> .
e. Permitted Yard Encroachments	See <b>§331</b>
f. Signs	See <b>§330</b>
g. Properties on US 23 & M-32	See <b>§327</b>
h. Parking	See <b>§325 for Parking Requirements</b> including <b>Subsection B.4 (Parking Lot Landscaping)</b> .





## Section 407 R-1: One-Family Residential District

### A. Intent.

### R-1

This residential district is designed to provide for single-family dwelling sites and the residentially related uses in keeping with the Master Plan of residential development in the Township. The uses permitted by right and on special condition are intended to promote a compatible arrangement of land uses for homes, with the intent to keep neighborhoods relatively quiet and free of unrelated traffic influences.

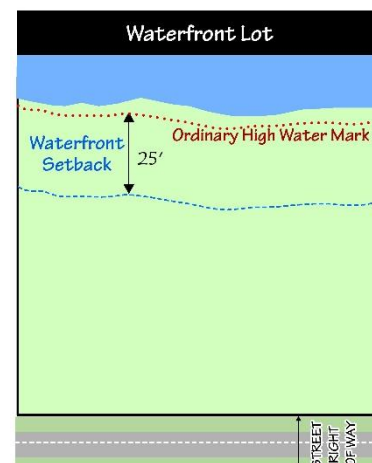
### B. Uses Allowed.

Permitted and Special Land Uses shall be limited to those listed below (also in **Section 416: Full Table of Permitted and Special Land Uses**) and shall be subject to all applicable provisions of **Article 5: Site Plan Review and Plot Plans**, **Article 6: Special Land Use Review**, and **Article 7: Supplemental Regulations**.

TABLE OF PERMITTED USES & SPECIAL LAND USES	
<b>P</b> = Permitted by right <b>S</b> = Permitted with a Special Use Permit *supplemental development regulations	<b>R-1</b>
<b>Residential Uses</b>	
Accessory Dwelling Units/Guest Houses - §737	<b>S*</b>
Cottage Industries - §718	<b>S*</b>
Home Occupations - §718	<b>P*</b>
Single-Family Attached Dwelling (townhouses)	<b>P</b>
Single-Family Detached Dwelling	<b>P</b>
Tiny Homes as Principal Dwelling - §740	<b>S*</b>
Two-Family Dwelling (duplex)	<b>P</b>
<b>Accommodation &amp; Food/Event Services</b>	
Bed & Breakfasts & Tourist Homes	<b>S</b>
Rooming Houses/Boarding Houses	<b>S</b>
<b>Agriculture, Animals &amp; Forest Products</b>	
Firewood Sales (Commercial - NOT using machinery)	<b>S</b>
<b>Arts, Entertainment &amp; Recreation</b>	
Bike Shops	<b>S</b>
Golf Courses - §717	<b>S*</b>
Public Parks, Playgrounds, & Ball Fields	<b>P</b>
Recreation Area (outdoor)/Nature Parks/Nature Areas (public)	<b>P</b>
Recreation Areas (outdoor) (non-publicly owned – nonprofit, not open to the public)	<b>S</b>
<b>Communications</b>	
Antenna Towers & Masts (residential accessory)	<b>S</b>
Small Cell Wireless Facilities - §730	<b>P*</b>
Wireless Communications Support Structures - (cell towers) §730	<b>S*</b>

TABLE OF PERMITTED USES & SPECIAL LAND USES	
<b>P</b> = Permitted by right <b>S</b> = Permitted with a Special Use Permit *supplemental development regulations	<b>R-1</b>
<b>Educational Services &amp; Religion</b>	
Public, Charter or Private Schools (elementary through high school)	<b>P</b>
Religious Institution. & Customary Accessory Uses - §713	<b>S*</b>
<b>Human Care &amp; Social Assistance</b>	
Adult Day Care Facility (6 or less) – in home	<b>P</b>
Adult Day Care Facility (more than 6) – In home	<b>S</b>
Adult Foster Care Family Homes (6 or less)	<b>P</b>
Adult Foster Care Small Group Home (7-12)	<b>S</b>
Adult Foster Care Large Group Home (13-20)	<b>S</b>
Child Care Home, Family (6 or less)	<b>P</b>
Child Care Home, Group (7 -12)	<b>S</b>
Child Care Center/Nursery School (not in home)	<b>S</b>
State-Licensed Residential Facilities (Adult Foster Care 6 or less)	<b>P</b>
<b>Manufacturing, Mining &amp; Waste Management</b>	
Mining (incl sand, gravel, rock and mineral extraction) - §733	<b>S*</b>
<b>Miscellaneous</b>	
Accessory Buildings & Uses - §305	<b>PS*</b>
Cemeteries including Columbaria and Mausoleums - §716	<b>S*</b>
Planned Unit Developments - §738	<b>S*</b>
Ponds greater than 500 sq ft or greater than 2.5 ft deep	<b>S</b>
Site Condominium Development- §739	<b>S*</b>

TABLE OF PERMITTED USES & SPECIAL LAND USES	
<b>P</b> = Permitted by right <b>S</b> = Permitted with a Special Use Permit *supplemental development regulations	<b>R-1</b>
<b>Public Facilities</b>	
Libraries - §714	<b>S*</b>
<b>Transportation, Storage &amp; Wholesale</b>	
Charter Boat Operations/Passenger Boat Ferries (waterfront only)	<b>S</b>
Marinas, Port and Dock Facilities - §711	<b>S*</b>
<b>Utilities &amp; Energy</b>	
Hydroelectric Facilities (dams, substations, transmission lines) (waterfront only)	<b>S</b>
Solar Energy Panels (as Accessory Use) - §732	<b>P*</b>
Wind Turbine Generators (on-site or private) - §731	<b>S*</b>



### C. Development Standards for R-1 District.

#### 1. Lot & Structure Standards

a. Lot Area	20,000 sq ft	If central water and central sewage facilities serve the property, the minimum lot requirements may be reduced to ninety-six hundred (9,600) square feet, eighty by one hundred twenty (80' x 120') feet.
b. Lot Width (min.)	100 ft (The length of the lot shall not exceed four (4) times the width)	
c. Building Height (max.)	2 stories or 30 ft	
d. Floor Area (min.)	960 sq ft Minimum floor area requirements shall not include area of basements, utility rooms, breezeways, porches, or attached garages. Tiny homes as the principal dwelling (from 250 sq ft – 959 sq ft) require a Special Use Permit.	
e. Dwelling Unit Width (min.)	24 ft	
f. Lot Coverage (max.)	Single-Family, Detached: 35%; All other uses: 50%. The Planning Commission shall have the authority to approve a greater percentage lot coverage for all uses.	

#### 2. Setbacks

a. Front (min.)	25 ft
b. Waterfront (min.)	25 ft from ordinary high water mark
c. Rear (min.)	25 ft
d. Side (min.)	5 ft – at least one side 15 ft - total of two sides
e. Side – Streetside (min.)	10 ft when there is a common rear yard. For reversed corner lots – street side yard shall be equal to the front yard setback of the lot to the rear.
f. Lots with Multiple Dwellings	For the purpose of said yard regulations, multiple dwellings shall be considered as one (1) building occupying one (1) lot.

1 Title & Purpose

2 Definitions

3 General Provisions

4 District Regulations

5 Site Plan Review & Plot Plans

6 Special Land Use Review

7 Supplemental Regulations

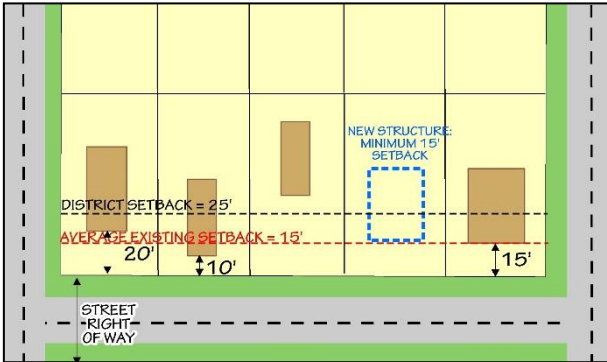
8 Zoning Board of Appeals

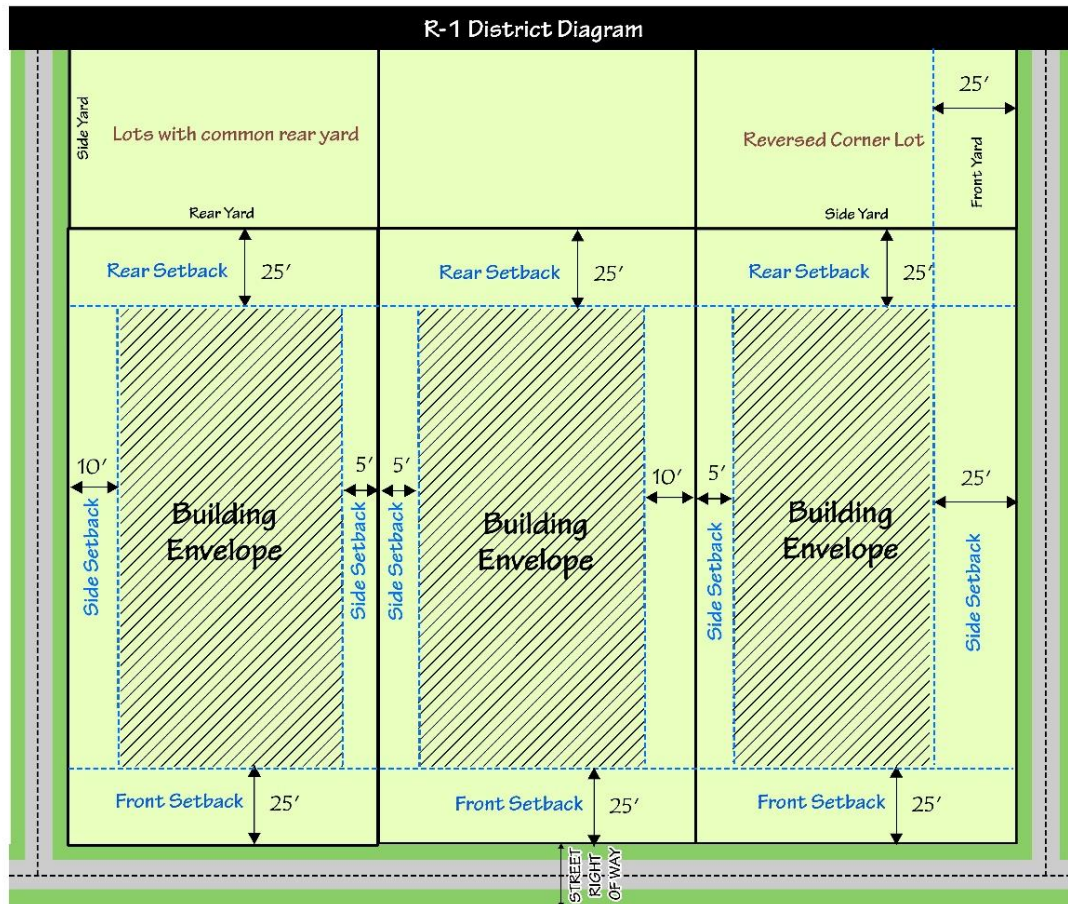
9 Administration & Enforcement

10 Adoption & Amendments



### 3. Additional Development Standards for R-1

<p>a. Front Setback Averaging</p>	<p>Where the front yards of two (2) or more principal structures in any block in existence at the time of the passage of this Ordinance, within the district zoned, and on the same side of the street, are less than the minimum front yard indicated above, then any building subsequently erected on that side of the street shall not be less and need not be greater than the average depth of the front yards of said two (2) structures.</p>	
<p>b. Accessory Buildings</p>	See <b>§305.</b>	
<p>c. Screening</p>	When a non-residential use abuts a residential use or district, screening is required per <b>§321.</b>	
<p>d. Fences</p>	See <b>§320.</b>	
<p>e. Permitted Yard Encroachments</p>	See <b>§331</b>	
<p>f. Signs</p>	See <b>§330</b>	
<p>g. Properties on US 23 and M-32</p>	See <b>§327</b>	

**1** Title & Purpose**2** Definitions**3** General Provisions**4** District Regulations**5** Site Plan Review & Plot Plans**6** Special Land Use Review**7** Supplemental Regulations**8** Zoning Board of Appeals**9** Administration & Enforcement**10** Adoption & Amendments

**Section 408 R-2: Rural Residential District****A. Intent.****R-2**

The R-2 Rural Residential District is designed to provide single-family and two-family home sites in areas more rural in character.

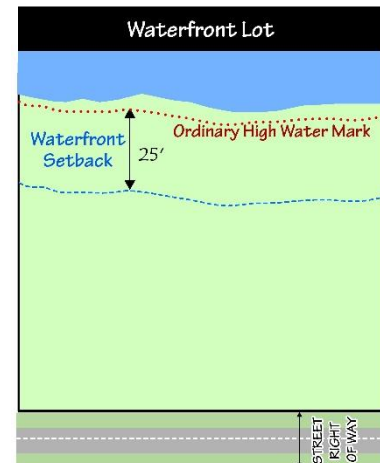
**B. Uses Allowed.**

Permitted and Special Land Uses shall be limited to those listed below (also in **Section 416: Full Table of Permitted and Special Land Uses**) and shall be subject to all applicable provisions of **Article 5: Site Plan Review and Plot Plans**, **Article 6: Special Land Use Review**, and **Article 7: Supplemental Regulations**.

<b>TABLE OF PERMITTED USES &amp; SPECIAL LAND USES</b>	
<b>P</b> = Permitted by right <b>S</b> = Permitted with a Special Use Permit *supplemental development regulations	<b>R-2</b>
<b>Residential Uses</b>	
Accessory Dwelling Units/Guest Houses - §737	<b>S*</b>
Cottage Industries - §718	<b>S*</b>
Home Occupations - §718	<b>P*</b>
Single-Family Attached Dwelling (townhouses)	<b>P</b>
Single-Family Detached Dwelling	<b>P</b>
Tiny Homes as Principal Dwelling - §740	<b>S*</b>
Two-Family Dwelling (duplex)	<b>P</b>
<b>Accommodation &amp; Food/Event Services</b>	
Bed & Breakfasts & Tourist Homes	<b>S</b>
Rooming Houses/Boarding Houses	<b>S</b>
<b>Agriculture, Animals &amp; Forest Products</b>	
Firewood Sales (Commercial - NOT using machinery)	<b>S</b>
<b>Arts, Entertainment &amp; Recreation</b>	
Bike Shops	<b>S</b>
Campgrounds (publicly-owned) - §702	<b>S*</b>
Golf Courses - §717	<b>S*</b>
Museums	<b>S</b>
Public Parks, Playgrounds, & Ball Fields	<b>P</b>
Recreation Area (outdoor)/Nature Parks/Nature Areas (public)	<b>P</b>
Recreation Areas (outdoor) (non-publicly owned – nonprofit, not open to the public)	<b>S</b>
<b>Communications</b>	
Antenna Towers & Masts (residential accessory use)	<b>S</b>
Small Cell Wireless Facilities - §730	<b>P*</b>
Wireless Communications Support Structures (cell towers) - §730	<b>S*</b>

<b>TABLE OF PERMITTED USES &amp; SPECIAL LAND USES</b>	
<b>P</b> = Permitted by right <b>S</b> = Permitted with a Special Use Permit *supplemental development regulations	<b>R-2</b>
<b>Educational Services &amp; Religion</b>	
Public, Charter or Private Schools (elementary through high school)	<b>P</b>
Religious Institutions & Customary Accessory Uses - §713	<b>P*</b>
<b>Human Care &amp; Social Assistance</b>	
Adult Day Care Facility (6 or less adults) – in home	<b>P</b>
Adult Day Care Facility (greater than 6 adults) – In home	<b>S</b>
Adult Foster Care Family Homes (6 or less)	<b>P</b>
Adult Foster Care Small Group Home (7-12)	<b>S</b>
Adult Foster Care Large Group Home (13-20)	<b>S</b>
Child Care Home, Family (6 or less)	<b>P</b>
Child Care Home, Group (7 -12)	<b>S</b>
Child Care Center/Nursery School (not in home)	<b>S</b>
State-Licensed Residential Facilities (Adult Foster Care 6 or less)	<b>P</b>
<b>Manufacturing, Mining &amp; Waste Management</b>	
Mining (incl sand, gravel, rock and mineral extraction) - §733	<b>S*</b>
<b>Miscellaneous</b>	
Accessory Buildings & Uses - §305	<b>PS*</b>
Cemeteries including Columbaria and Mausoleums - §716	<b>S*</b>
Planned Unit Developments - §738	<b>S*</b>
Ponds greater than 500 sq ft or greater than 2.5 ft deep	<b>S</b>
Site Condominium Development - §739	<b>S*</b>

TABLE OF PERMITTED USES & SPECIAL LAND USES	
<b>P</b> = Permitted by right <b>S</b> = Permitted with a Special Use Permit *supplemental development regulations	<b>R-2</b>
<b>Public Facilities</b>	
Libraries - §714	<b>S *</b>
<b>Transportation, Storage &amp; Wholesale</b>	
Charter Boat Operations/Passenger Boat Ferries (waterfront only)	<b>S</b>
Marinas, Port and Dock Facilities - §711	<b>S*</b>
<b>Utilities &amp; Energy</b>	
Hydroelectric Facilities (dams, substations, transmission lines) (waterfront only)	<b>S</b>
Solar Energy Panels (as Accessory Use) - §732	<b>P*</b>
Wind Turbine Generators (on-site or private) - §731	<b>S*</b>



### C. Development Standards for R-2 District.

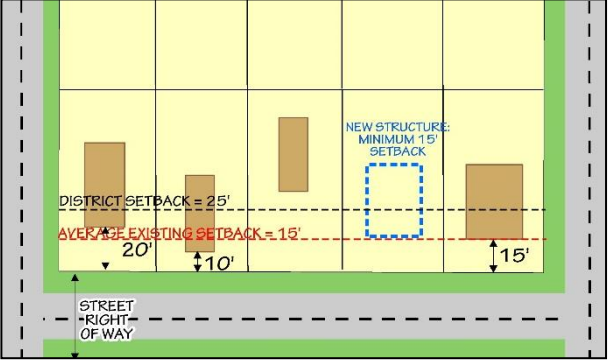
#### 1. Lot & Structure Standards

a. Lot Area	20,000 sq ft	If central water and central sewage facilities serve the property, the minimum lot requirements may be reduced to ninety-six hundred (9,600) square feet, eighty by one hundred twenty (80' x 120') feet.
b. Lot Width (min.)	100 ft (The length of the lot shall not exceed four (4) times the width)	
c. Building Height (max.)	2 stories or 30 ft	
d. Floor Area (min.)	600 sq ft Minimum floor area requirements shall not include area of basements, utility rooms, breezeways, porches, or attached garages. Tiny homes as the principal dwelling (from 250 sq ft – 599 sq ft) require a Special Use Permit.	
e. Dwelling Unit Width (min.)	12 ft	
f. Lot Coverage (max.)	Single-Family Detached: 35%; All other uses: 50%. The Planning Commission shall have the authority to approve a greater percentage lot coverage for all uses.	

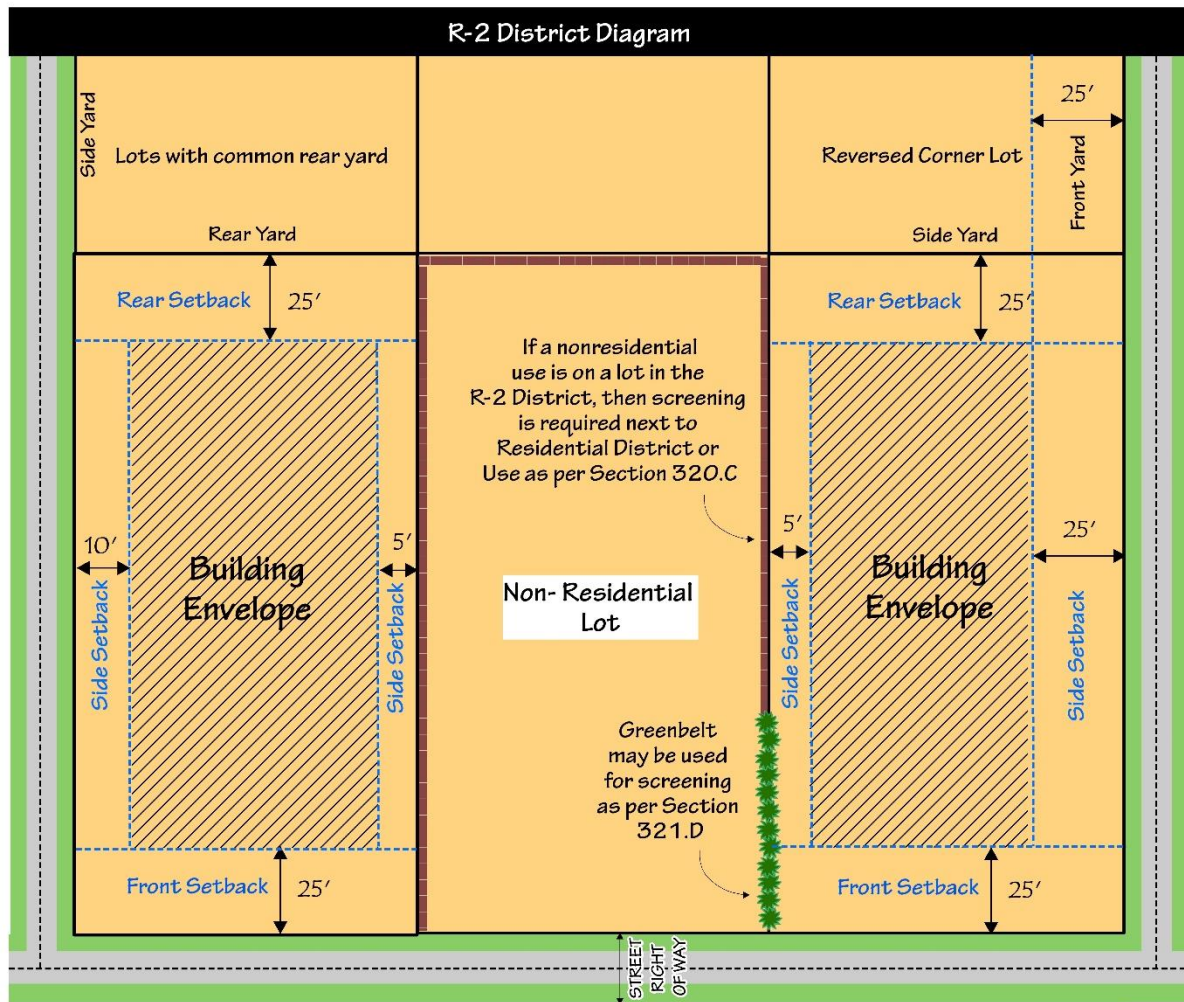
#### 2. Setbacks

a. Front (min.)	25 ft
b. Waterfront (min.)	25 ft from ordinary high water mark
c. Rear (min.)	25 ft
d. Side (min.)	5 ft – at least one side    15 ft - total of two sides
e. Side – Streetside (min.)	10 ft when there is a common rear yard. For reversed corner lots – street side yard shall be equal to the front yard setback of the lot to the rear.
f. Lots with Multiple Dwellings	For the purpose of said yard regulations, multiple dwellings shall be considered as one (1) building occupying one (1) lot.

**3. Additional Development Standards for R-2**

a. Front Setback Averaging	<p>Where the front yards of two (2) or more principal structures in any block in existence at the time of the passage of this Ordinance, within the district zoned, and on the same side of the street, are less than the minimum front yard indicated above, then any building subsequently erected on that side of the street shall not be less and need not be greater than the average depth of the front yards of said two (2) structures.</p> 
b. Accessory Buildings	See <b>§305</b> .
c. Screening	When a non-residential use abuts a residential use or district, screening is required per <b>§321</b> .
d. Fences	See <b>§320</b> .
e. Permitted Yard Encroachments	See <b>§331</b>
f. Signs	See <b>§330</b>
h. Properties on US 23 and M-32	See <b>§327</b>





**Section 409 R-3: Mixed Residential District****A. Intent.****R-3**

The R-3 Mixed Residential District is designed to provide single-family and multiple family home sites in Township areas where the character of existing uses is somewhat mixed, there being incidences of business among single-family residences.

**B. Uses Allowed.**

Permitted and Special Land Uses shall be limited to those listed below (also in **Section 416: Full Table of Permitted and Special Land Uses**) and shall be subject to all applicable provisions of **Article 5: Site Plan Review and Plot Plans**, **Article 6: Special Land Use Review**, and **Article 7: Supplemental Regulations**.

<b>TABLE OF PERMITTED USES &amp; SPECIAL LAND USES</b>	
<b>P</b> = Permitted by right <b>S</b> = Permitted with a Special Use Permit *supplemental development regulations	<b>R-3</b>
<b>Residential Uses</b>	
Accessory Dwelling Units/Guest Houses - §737	<b>S*</b>
Cottage Industries - §718	<b>S*</b>
Home Occupations - §718	<b>P*</b>
Manufactured Housing Community	<b>S</b>
Multiple-Family Dwelling Units - §710	<b>S*</b>
Senior Housing	<b>S</b>
Single-Family Attached Dwelling (townhouses; condominiums)	<b>P</b>
Single-Family Detached Dwelling	<b>P</b>
Tiny Homes as Principal Dwelling - §740	<b>S*</b>
Two-Family Dwelling (duplex) - §710	<b>P*</b>
<b>Accommodation &amp; Food/Event Services</b>	
Bed & Breakfasts & Tourist Homes	<b>S</b>
Cabin/Cottage Complex (permanent structures only) - §709	<b>S*</b>
Hotels & Motels (attached or detached units) - §709	<b>S*</b>
Restaurants without Drive-Through	<b>S</b>
Rooming Houses/Boarding Houses	<b>S</b>
<b>Agriculture, Animals &amp; Forest Products</b>	
Firewood Sales (Commercial - NOT using machinery)	<b>S</b>
<b>Arts, Entertainment &amp; Recreation</b>	
Art Galleries & Studios	<b>S</b>
Bike Shops	<b>S</b>
Campgrounds (publicly-owned) - §702	<b>S*</b>
Canoe/Boat/Kayak Liveries - §711	<b>S*</b>
Golf Courses - §717	<b>S*</b>

<b>TABLE OF PERMITTED USES &amp; SPECIAL LAND USES</b>	
<b>P</b> = Permitted by right <b>S</b> = Permitted with a Special Use Permit *supplemental development regulations	<b>R-3</b>
<b>Arts, Entertainment &amp; Recreation (continued)</b>	
Marinas, Port & Dock Facilities - §711	<b>S*</b>
Museums	<b>S</b>
Public Parks, Playgrounds, & Ball Fields	<b>P</b>
Recreation Area (outdoor)/Nature Parks/Nature Areas (public)	<b>P</b>
Recreation Areas (outdoor) (non-publicly owned – nonprofit, not open to the public)	<b>S</b>
RV (Travel Trailer) Parks - §702	<b>S*</b>
RV (Travel Trailer) Condominium Areas - §711	<b>S*</b>
<b>Commercial, Services &amp; Retail</b>	
Antique Stores	<b>S</b>
Bait & Tackle Shops	<b>S</b>
Boat Sales & Repair	<b>S</b>
Convenience Stores	<b>S</b>
Florists	<b>S</b>
Food & Beverage Stores	<b>S</b>
Funeral Homes & Mortuaries	<b>S</b>
Furniture & Home Furnishings/Fixtures Stores	<b>S</b>
Furniture Refinishing (Upholsterers)/Furn. Repair	<b>S</b>
Gift Shops	<b>S</b>
Health & Personal Care Stores	<b>S</b>
Health Spa	<b>S</b>
Personal Services (beauty shops, tailoring, massage therapy)	<b>S</b>
Professional Offices	<b>S</b>
Small-Scale Craft Making	<b>S</b>



TABLE OF PERMITTED USES & SPECIAL LAND USES	
<b>P</b> = Permitted by right <b>S</b> = Permitted with a Special Use Permit *supplemental development regulations	<b>R-3</b>
<b>Commercial, Services &amp; Retail (continued)</b>	
Sporting Goods, Hobby, Book & Music Stores	<b>S</b>
Studios for Dance, Physical Exercise & Music	<b>S</b>
<b>Communications</b>	
Antenna Towers & Masts (residential accessory use)	<b>S</b>
Small Cell Wireless Facilities - §730	<b>P*</b>
Wireless Communications Support Structures (cell towers) - §730	<b>S*</b>
<b>Educational Services &amp; Religion</b>	
Colleges/Universities Institutions of Higher/ Specialized Learning (i.e. business schools) - §715	<b>S*</b>
Public, Charter or Private Schools (elementary through high school)	<b>P</b>
Religious Institutions & Customary Accessory Uses - §713	<b>P*</b>
<b>Human Care &amp; Social Assistance</b>	
Adult Day Care Facility (6 or less adults) – in home	<b>P</b>
Adult Day Care Facility (greater than 6 adults) – In home	<b>S</b>
Adult Foster Care Family Homes (6 or less)	<b>P</b>
Adult Foster Care Small Group Home (7-12)	<b>S</b>
Adult Foster Care Large Group Home (13-20)	<b>S</b>
Adult Foster Care Congregate Facilities (over 20 adults)	<b>S</b>
Assisted Living Home/Nursing Home/Convalescent Home	<b>S</b>
Child Care Home, Family (6 or less)	<b>P</b>

TABLE OF PERMITTED USES & SPECIAL LAND USES	
<b>P</b> = Permitted by right <b>S</b> = Permitted with a Special Use Permit *supplemental development regulations	<b>R-3</b>
<b>Human Care &amp; Social Assistance (continued)</b>	
Child Care Home, Group (7 -12)	<b>S</b>
Child Care Center/Nursery School (not in home)	<b>S</b>
Child Caring Institution	<b>S</b>
Hospitals - §719	<b>S*</b>
State-Licensed Residential Facilities (Adult Foster Care 6 or less)	<b>P</b>
<b>Manufacturing, Mining &amp; Waste Management</b>	
Mining (incl sand, gravel, rock and mineral extraction) - §733	<b>S*</b>
<b>Miscellaneous</b>	
Accessory Buildings & Uses - §305	<b>PS*</b>
Cemeteries including Columbaria and Mausoleums - §716	<b>S*</b>
Planned Unit Developments - §738	<b>S*</b>
Ponds greater than 500 sq ft or greater than 2.5 ft deep	<b>S</b>
Site Condominium Development - §739	<b>S*</b>
<b>Public Facilities</b>	
Libraries - §714	<b>P*</b>
<b>Transportation, Storage &amp; Wholesale</b>	
Charter Boat Operations/Passenger Boat Ferries	<b>S</b>
Marinas, Port & Dock Facilities - §711	<b>S*</b>
<b>Utilities &amp; Energy</b>	
Hydroelectric Facilities (dams, substations, transmission lines) (waterfront only)	<b>S</b>
Solar Energy Panels (as Accessory Use) - §732	<b>P*</b>
Wind Turbine Generators (on-site or private) - §731	<b>S*</b>

**C. Development Standards for R-3 District.**

**1. Lot & Structure Standards**


a. Lot Area	15,000 sq ft	If central water and central sewage facilities serve the property, the minimum lot requirements may be reduced to ninety-six hundred (9,600) square feet, eighty by one hundred twenty (80' x 120') feet.
b. Lot Width (min.)	100 ft (The length of the lot shall not exceed four (4) times the width)	
c. Building Height (max.)	2 stories or 30 ft	
d. Floor Area (min.)	600 sq ft Minimum floor area requirements shall not include area of basements, utility rooms, breezeways, porches or attached garages. Tiny homes as the principal dwelling (from 250 sq ft – 599 sq ft) require a Special Use Permit.	
e. Dwelling Unit Width (min.)	12 ft	
f. Lot Coverage (max.)	Single-Family Detached: 35%; All other uses: 50%. The Planning Commission shall have the authority to approve a greater percentage lot coverage for all uses.	

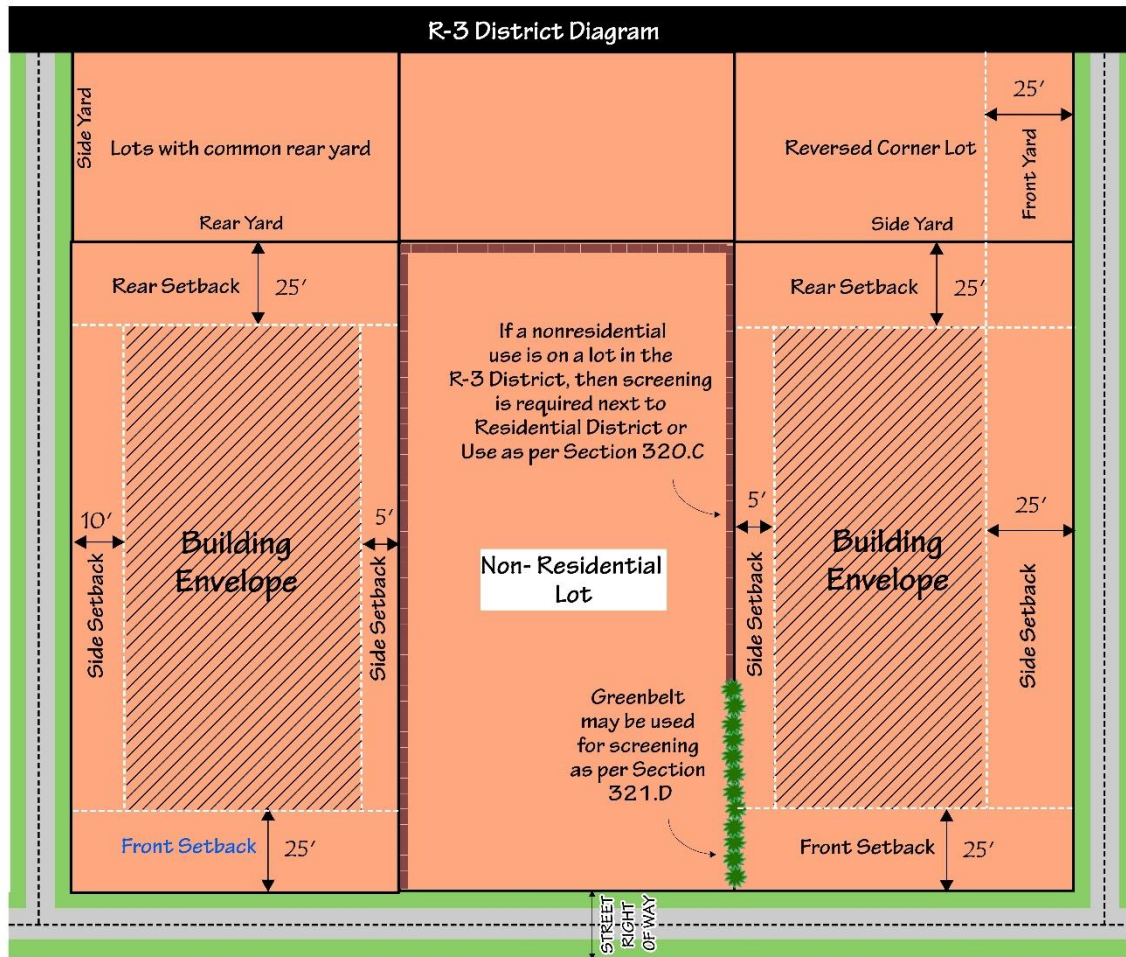
**2. Setbacks**

a. Front (min.)	25 ft
b. Waterfront (min.)	25 ft from ordinary high water mark
c. Rear (min.)	25 ft
d. Side (min.)	5 ft – at least one side 15 ft - total of two sides
e. Side – Streetside (min.)	10 ft when there is a common rear yard. For reversed corner lots – street side yard shall be equal to the front yard setback of the lot to the rear.



### 3. Additional Development Standards for R-3

a. Front Setback Averaging	Where the front yards of two (2) or more principal structures in any block in existence at the time of the passage of this Ordinance, within the district zoned, and on the same side of the street, are less than the minimum front yard indicated above, then any building subsequently erected on that side of the street shall not be less and need not be greater than the average depth of the front yards of said two (2) structures.	
b. Accessory Buildings	See <b>§305</b> .	
c. Screening	When a non-residential use abuts a residential use or district, screening is required per <b>§321</b> .	
d. Fences	See <b>§320</b> .	
e. Permitted Yard Encroachments	See <b>§331</b>	
f. Signs	See <b>§330</b>	
g. Lots with Multiple Dwellings	For the purpose of said yard regulations, multiple dwellings shall be considered as one (1) building occupying one (1) lot.	
i. Properties on US 23 and M-32	See <b>§327</b>	



**Section 410 OS: Office Service District****A. Intent.****OS**

The OS Office Service District is intended to accommodate various office, professional, and personal service uses. This district can serve as a transitional area between the higher-intensity retail and commercial uses and the lower-intensity residential uses. This district is specifically intended to prohibit retail commercial establishments which require high volume, short-term parking.

**B. Uses Allowed.**

Permitted and Special Land Uses shall be limited to those listed below (also in **Section 416: Full Table of Permitted and Special Land Uses**) and shall be subject to all applicable provisions of **Article 5: Site Plan Review and Plot Plans**, **Article 6: Special Land Use Review**, and **Article 7: Supplemental Regulations**.

<b>TABLE OF PERMITTED USES &amp; SPECIAL LAND USES</b>	
<b>P</b> = Permitted by right <b>S</b> = Permitted with a Special Use Permit *supplemental development regulations	<b>OS</b>
<b>Agriculture, Animals &amp; Forest Products</b>	
Veterinary Clinic/Animal Hospital with no outdoor animal area - §720	<b>S*</b>
<b>Arts, Entertainment &amp; Recreation</b>	
Fitness & Recreational Sports (ex: health clubs, gym, tennis, swimming pool club)	<b>S</b>
Marinas, Port and Dock Facilities - §711	<b>S*</b>
Museums	<b>S</b>
Private Clubs; Lodges; Fraternal Organizations	<b>S</b>
<b>Commercial, Services &amp; Retail</b>	
Business Incubator (Food Incubator listed under Manufacturing)	<b>P</b>
Data Processing & Computer Centers including the servicing & maintenance of electronic data processing equipment	<b>P</b>
Financial Institutions	<b>P</b>
Funeral Homes & Mortuaries	<b>P</b>
Interior Designers/Showrooms	<b>P</b>
Medical Equipment Sales	<b>P</b>
Medical Laboratories	<b>P</b>
Office Developments	<b>P</b>
Personal Services (beauty shops, tailoring, massage therapy)	<b>P</b>
Photofinishing/Photographers	<b>P</b>
Professional Offices	<b>P</b>
<b>Communications</b>	
Antenna Towers & Masts (residential accessory use)	<b>S</b>
Small Cell Wireless Facilities - §730	<b>P*</b>

<b>TABLE OF PERMITTED USES &amp; SPECIAL LAND USES</b>	
<b>P</b> = Permitted by right <b>S</b> = Permitted with a Special Use Permit *supplemental development regulations	<b>OS</b>
<b>Communications (continued)</b>	
Wireless Communications Support Structures (cell tower) - §730	<b>S*</b>
<b>Construction &amp; Contractors</b>	
Special Trade Contractors Offices & Showrooms – no outdoor storage	<b>P</b>
<b>Educational Services &amp; Religion</b>	
Colleges/Universities/Institutions of Higher/Specialized Learning (i.e. business sch.)	<b>P</b>
<b>Human Care &amp; Social Assistance</b>	
Assisted Living Home/Nursing Home/Convalescent Home	<b>S</b>
Child Care Center/Nursery School (not in home)	<b>P</b>
Child Caring Institution	<b>S</b>
Health Care/Dental/Optical Clinics/Medical Labs	<b>P</b>
Hospitals	<b>S</b>
<b>Manufacturing, Mining &amp; Waste Management</b>	
Mining (incl sand, gravel, rock & mineral extraction) - §733	<b>S*</b>
<b>Miscellaneous</b>	
Accessory Buildings & Uses - §305	<b>P*</b>
Mixed Uses (Nonresidential/Residential in one building or on one lot – both uses are primary to the property)	<b>S</b>
Planned Unit Developments - §738	<b>S*</b>
Site Condominium Development - §739	<b>S*</b>
<b>Public Facilities</b>	
Community Centers & Rec. Centers (public)	<b>P</b>
Government Offices	<b>P</b>

TABLE OF PERMITTED USES & SPECIAL LAND USES	
<i>P</i> = Permitted by right <i>S</i> = Permitted with a Special Use Permit *supplemental development regulations	OS
<b>Public Facilities</b>	
Libraries	P
Police/Fire Stations/Jails	P
Post Office	P
<b>Transportation, Storage &amp; Wholesale</b>	
Charter Boat Operations/Passenger Boat Ferries (waterfront only)	S
Marinas, Port and Dock Facilities - §711	S*

TABLE OF PERMITTED USES & SPECIAL LAND USES	
<i>P</i> = Permitted by right <i>S</i> = Permitted with a Special Use Permit *supplemental development regulations	OS
<b>Utilities &amp; Energy</b>	
Hydroelectric Facilities (dams, substations, transmission lines)	S
Public Utility Offices (not including storage yards)	P
Solar Energy Facility (Utility-Scale) - §732	S*
Solar Energy Panels (as Accessory Use) - §732	P*
Wind Turbine Generators and Anemometer Towers (utility grid or commercial) - §731	S*
Wind Turbine Generators (on-site or private) - §731	S*

### C. Development Standards for OS District.

#### 1. Lot & Structure Standards

a. Lot Area	None
b. Lot Width (min.)	None (The length of the lot shall not exceed four (4) times the width) 200 feet for new lots with frontage on US 23 or M-32 (See §327 Access Mgmt)
c. Building Height (max.)	4 stories or 45 feet Planned development involving three (3) acres or more under one (1) ownership shall be subject to the approval of the Planning Commission, after public hearing, regarding modifications with respect to height regulations.
d. Lot Coverage (max.)	None

#### 2. Setbacks

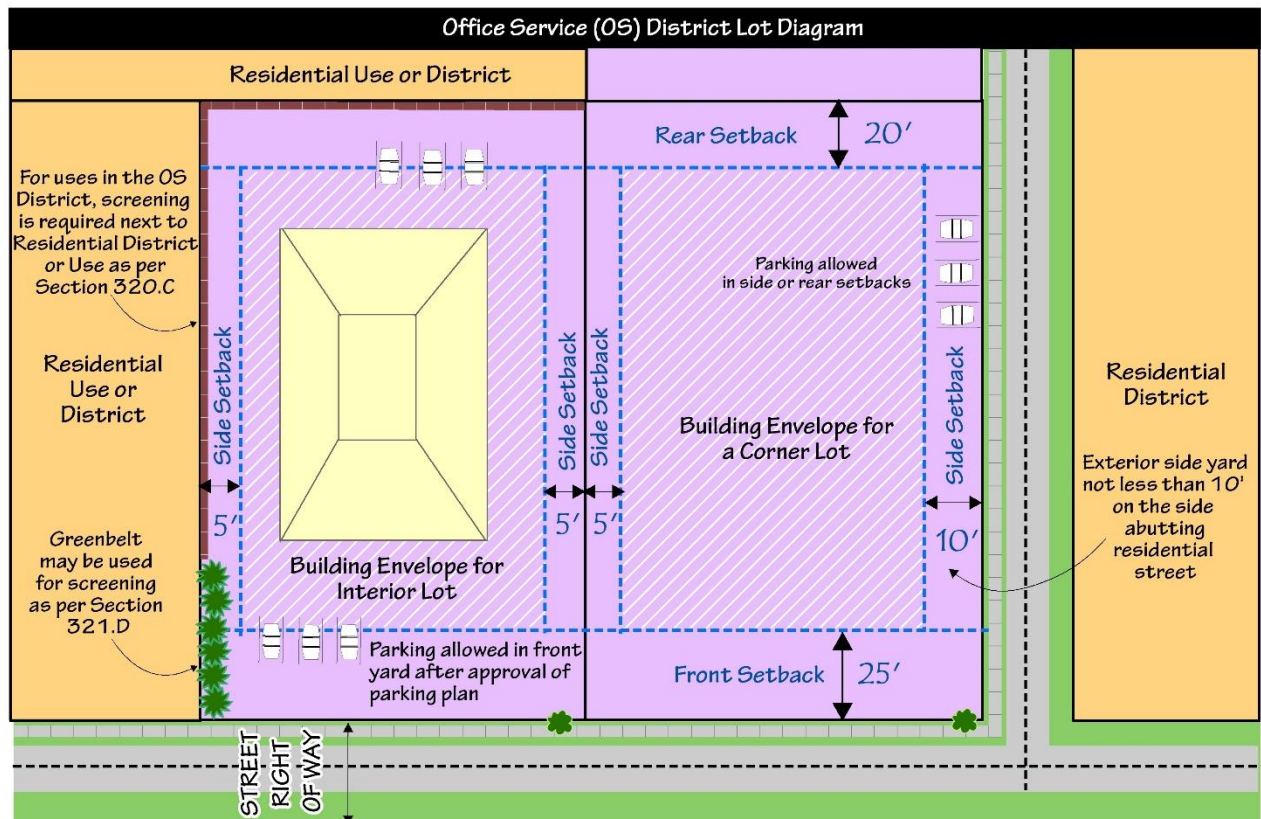
a. Front (min.)	25 ft
b. Waterfront (min.)	25 ft from ordinary high water mark
c. Rear (min.)	20 ft
d. Side (min.) (See 3.b below)	5 ft – at least one side 10 ft - total of two sides On the exterior side yard which borders on a residential district, there shall be provided a setback of not less than ten (10') feet on the side abutting the residential street.



### 3. Additional Development Standards for OS

a. Front Setback Averaging	<p>Where the front yards of two (2) or more principal structures in any block in existence at the time of the passage of this Ordinance, within the district zoned, and on the same side of the street, are less than the minimum front yard indicated above, then any building subsequently erected on that side of the street shall not be less and need not be greater than the average depth of the front yards of said two (2) structures.</p>	
b. Planning Commission Modification of Interior Setbacks	<p>The Planning Commission may, upon review of the proposed site plan and after public hearing, modify interior setbacks, except as otherwise specified in an applicable building code.</p>	
c. Parking	<p>Parking may be permitted in the front yard after approval of the parking plan layout and points of access by the Planning Commission. The setback shall be measured from the nearest side of existing and/or proposed right-of-way lines. See <b>§325 for Parking Requirements</b> including <b>Subsection B.4 (Parking Lot Landscaping)</b>.</p>	
d. Loading Space	<p>Loading space shall be provided in the rear yard in the ratio of at least ten (10) square feet per front foot of building and shall be computed separately from the off-street parking requirements. When an alley exists or is provided at the rear of buildings, the rear building setback and loading requirements may be computed from the center of said alley.</p>	
e. Accessory Buildings	<p>Regulated by <b>§305</b>.</p>	
f. Screening	<p>When a non-residential use abuts a residential use or district, screening is required per <b>§321</b>.</p>	
g. Fences	<p>See <b>§320</b>.</p>	
h. Permitted Yard Encroachments	<p>See <b>§331</b>.</p>	
i. US 23 North Corridor Property	<p>See <b>§328</b>.</p>	
j. Signs	<p>See <b>§330</b>.</p>	
j. Properties on US 23 and M-32	<p>See <b>§327</b></p>	





Section 411 B-1: Restricted Business District

A. Intent.

B-1

The B-1 Restricted Business District is designed to give the Township a business district that is somewhat more selective than a General Business District, to provide for the establishment of neighborhood shopping areas, personal services and professional office areas that are primarily compatible with and of service to Township residential uses.

B. Uses Allowed.

Permitted and Special Land Uses shall be limited to those listed below (also in **Section 416: Full Table of Permitted and Special Land Uses**) and shall be subject to all applicable provisions of **Article 5: Site Plan Review and Plot Plans**, **Article 6: Special Land Use Review**, and **Article 7: Supplemental Regulations**.

TABLE OF PERMITTED USES & SPECIAL LAND USES	
<i>P</i> = Permitted by right <i>S</i> = Permitted with a Special Use Permit <i>*supplemental development regulations</i>	<b>B-1</b>
<b>Accommodation &amp; Food/Event Services</b>	
Bakeries & Confectioneries	<b>P</b>
Cabin/Cottage Complex (permanent structures only) - §709	<b>S*</b>
Coffee Shops	<b>S</b>
Drinking Establishments/Taverns/Bars	<b>S</b>
Hotels & Motels (attached or detached units) - §709	<b>S*</b>
Restaurants without Drive-Through	<b>S</b>
<b>Agriculture, Animals &amp; Forest Products</b>	
Farm Product Sales (Fruit/Vegetable Market) – not grown on premises	<b>P</b>
Kennels - §705	<b>P*</b>
<b>Arts, Entertainment &amp; Recreation</b>	
Art Galleries & Studios	<b>P</b>
Bike Shops	<b>P</b>
Campgrounds (publicly-owned) - §702	<b>P*</b>
Marinas, Port and Dock Facilities - §711	<b>S*</b>
Museums	<b>S</b>
Private Clubs; Lodges; Fraternal Organizations	<b>P</b>
Public Parks, Playgrounds, & Ball Fields	<b>P</b>
Recreation Area (outdoor)/Nature Parks/Nature Areas (public)	<b>P</b>
Tours (Commercial Operations) - (for ground & water passenger transportation, see "Transportation, Storage & Wholesale")	<b>S</b>

TABLE OF PERMITTED USES & SPECIAL LAND USES	
<i>P</i> = Permitted by right <i>S</i> = Permitted with a Special Use Permit <i>*supplemental development regulations</i>	<b>B-1</b>
<b>Commercial, Services &amp; Retail</b>	
Antique Stores	<b>P</b>
Clothing, Clothing Accessory & Shoe Stores (incl. shoe repair)	<b>P</b>
Dry Cleaning & Laundry Services	<b>S</b>
Dry Goods & Notions Retail	<b>P</b>
Financial Institutions	<b>P</b>
Florists	<b>P</b>
Food & Beverage Stores	<b>P</b>
Funeral Homes & Mortuaries	<b>P</b>
Gas Stations - §721	<b>S*</b>
Gift Shops	<b>P</b>
Hardware Stores	<b>P</b>
Health & Personal Care Stores	<b>P</b>
Health Spa	<b>P</b>
Interior Designers/Showrooms	<b>P</b>
Locksmiths	<b>P</b>
Panning for Gold/Other Minerals (business operation)	<b>S</b>
Personal Services (beauty shops, tailoring, massage therapy)	<b>P</b>
Pharmacies/Medical & Optical Supplies	<b>P</b>
Photofinishing/Photographers	<b>P</b>
Printing/Binding/Publishing of Print Material	<b>S</b>
Professional Offices	<b>P</b>
Sporting Goods, Hobby, Book & Music Stores	<b>P</b>

TABLE OF PERMITTED USES & SPECIAL LAND USES	
<b>P</b> = Permitted by right <b>S</b> = Permitted with a Special Use Permit *supplemental development regulations	<b>B-1</b>
<b>Commercial, Services &amp; Retail (continued)</b>	
Studios for Dance, Physical Exercise and Music	<b>P</b>
<b>Communications</b>	
Antenna Towers & Masts (residential accessory use)	<b>S</b>
Small Cell Wireless Facilities - §730	<b>P*</b>
Wireless Communications Support Structures (cell towers) - §730	<b>S*</b>
<b>Educational Services &amp; Religion</b>	
Religious Institutions & Customary Accessory Uses	<b>P</b>
<b>Human Care &amp; Social Assistance</b>	
Adult Day Care Facility – NOT In home	<b>P</b>
Health Care/Dental/Optical Clinics/Medical Laboratories	<b>P</b>
Rehabilitation Centers (24-hour residential facilities) - not drug rehab or detention facility	<b>P</b>
<b>Manufacturing, Mining &amp; Waste Management</b>	
Mining (incl sand, gravel, rock and mineral extraction) - §733	<b>S*</b>
<b>Miscellaneous</b>	
Accessory Buildings & Uses - §305	<b>PS*</b>
Mixed Uses (Nonresidential/Residential in one building or on one lot – both uses are primary to the property)	<b>S</b>
Planned Unit Developments - §738	<b>S*</b>
Site Condominium Development - §730	<b>S*</b>

TABLE OF PERMITTED USES & SPECIAL LAND USES	
<b>P</b> = Permitted by right <b>S</b> = Permitted with a Special Use Permit *supplemental development regulations	<b>B-1</b>
<b>Public Facilities</b>	
Community Centers & Rec. Centers (public)	<b>P</b>
Government Offices	<b>P</b>
Libraries	<b>P</b>
Police/Fire Stations/Jails	<b>P</b>
Post Office	<b>P</b>
<b>Residential Uses</b>	
Dwelling Units above/to the rear of a Commercial Establishment (commercial is primary use of the property)	<b>P</b>
<b>Transportation, Storage &amp; Wholesale</b>	
Charter Boat Operations/Passenger Boat Ferries	<b>S</b>
Marinas, Port and Dock Facilities - §711	<b>S*</b>
<b>Utilities &amp; Energy</b>	
Hydroelectric Facilities (dams, substations, transmission lines)	<b>S</b>
Solar Energy Facility (Utility-Scale) - §732	<b>S*</b>
Solar Energy Panels (as Accessory Use) - §732	<b>P*</b>
Wind Turbine Generators and Anemometer Towers (utility grid or commercial) - §731	<b>S*</b>
Wind Turbine Generators (on-site or private) - §731	<b>S*</b>

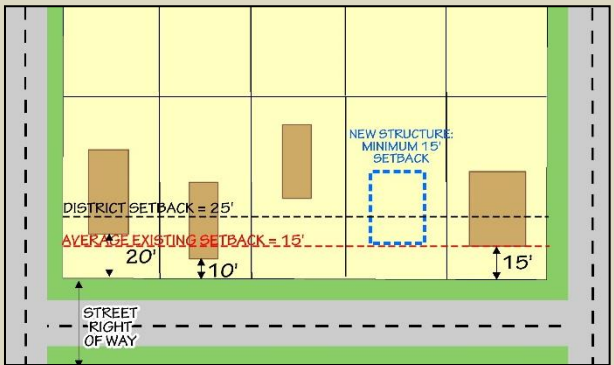
**C. Development Standards for B-1 District.****1. Lot & Structure Standards**

a. Lot Area	None
b. Lot Width (min.)	None (The length of the lot shall not exceed four (4) times the width) 200 feet for new lots with frontage on US 23 or M-32 (See §327 Access Mgmt)
c. Building Height (max.)	2 stories or 30 ft Planned development involving three (3) acres or more under one (1) ownership shall be subject to the approval of the Planning Commission, after public hearing, regarding modifications with respect to height regulations.
d. Lot Coverage (max.)	None

**2. Setbacks**

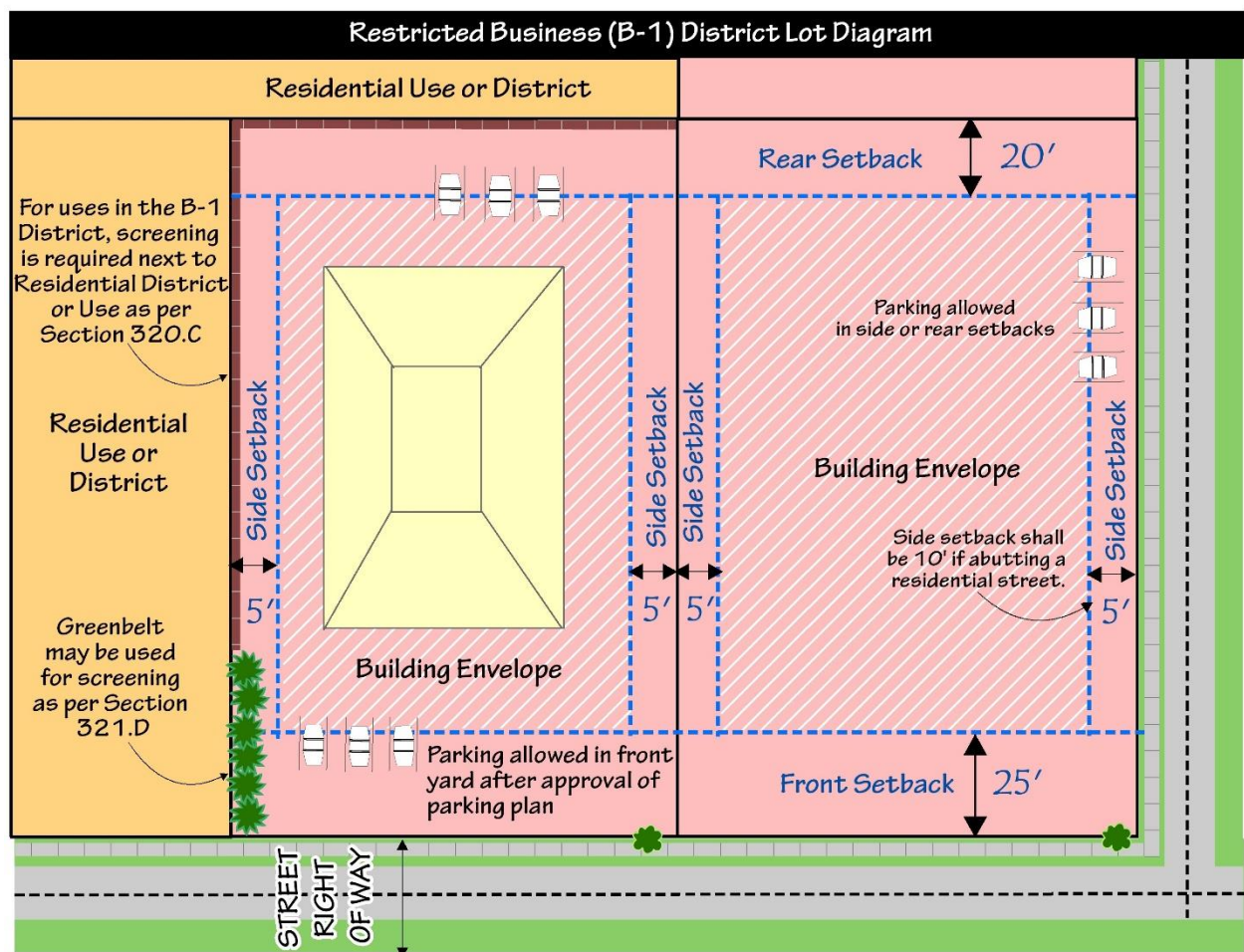
a. Front (min.)	25 ft
b. Waterfront (min.)	25 ft from ordinary high water mark
c. Rear (min.)	20 ft
d. Side (min.)	5 ft – at least one side 10 ft - total of two sides On the exterior side yard which borders on a residential district, there shall be provided a setback of not less than ten (10') feet on the side abutting the residential street.

**3. Additional Development Standards**

a. Front Setback Averaging	<p>Where the front yards of two (2) or more principal structures in any block in existence at the time of the passage of this Ordinance, within the district zoned, and on the same side of the street, are less than the minimum front yard indicated above, then any building subsequently erected on that side of the street shall not be less and need not be greater than the average depth of the front yards of said two (2) structures.</p> 
b. Planning Commission Modification of Interior Setbacks	The Planning Commission may, upon review of the proposed site plan and after public hearing, modify interior setbacks, except as otherwise specified in an applicable building code.
c. Parking	Parking may be permitted in the front yard after approval of the parking plan



	layout and points of access by the Planning Commission. The setback shall be measured from the nearest side of existing and/or proposed right-of-way lines. See <b>§325 for Parking Requirements</b> including <b>Subsection B.4 (Parking Lot Landscaping)</b> .
d. Loading Space	Loading space shall be provided in the rear yard in the ratio of at least ten (10) square feet per front foot of building and shall be computed separately from the off-street parking requirements. When an alley exists or is provided at the rear of buildings, the rear building setback and loading requirements may be computed from the center of said alley.
e. Accessory Buildings	Regulated by <b>§305</b> .
f. Screening	When a non-residential use abuts a residential use or district, screening is required per <b>§321</b> .
g. Fences	Regulated by <b>§320</b> .
h. Permitted Yard Encroachments	Regulated by <b>§331</b> .
i. Signs	Regulated by <b>§330</b> .

**1** Title & Purpose**2** Definitions**3** General Provisions**4** District Regulations**5** Site Plan Review & Plot Plans**6** Special Land Use Review**7** Supplemental Regulations**8** Zoning Board of Appeals**9** Administration & Enforcement**10** Adoption & Amendments

## Section 412 B-2: General Business District

### B-2

#### A. Intent.

The B-2 General Business District is designed to provide sites for more diversified business types and is often located so as to serve passerby traffic.

#### B. Uses Allowed.

Permitted and Special Land Uses shall be limited to those listed below (also in **Section 416: Full Table of Permitted and Special Land Uses**) and shall be subject to all applicable provisions of **Article 5: Site Plan Review and Plot Plans**, **Article 6: Special Land Use Review**, and **Article 7: Supplemental Regulations**.

TABLE OF PERMITTED USES & SPECIAL LAND USES	
<b>P</b> = Permitted by right <b>S</b> = Permitted with a Special Use Permit *supplemental development regulations	<b>B-2</b>
<b>Accommodation &amp; Food/Event Services</b>	
Bakeries & Confectioneries	<b>P</b>
Cabin/Cottage Complex (permanent structures only)	<b>P</b>
Caterers/Food Service Contractors	<b>P</b>
Coffee Shops	<b>P</b>
Commercial Event Facilities - §742	<b>P*</b>
Drinking Establishments/Taverns/Bars	<b>P</b>
Food Trucks - §741	<b>P*</b>
Hotels & Motels (attached or detached units)	<b>P</b>
Microbreweries & Distilleries (serving directly to the public); Winery Tasting Rooms	<b>P</b>
Restaurants without Drive-Through	<b>P</b>
Restaurants with Drive-Through (Drive-In or Eat in Car) - §703	<b>P*</b>
Rooming Houses/Boarding Houses (in existing residences only)	<b>P</b>
<b>Agriculture, Animals &amp; Forest Products</b>	
Agricultural products processing and storage (excluding concentrated animal feeding operations and slaughter houses)	<b>P</b>
Bulk seed, feed, fertilizer and nursery stock outlet and distribution centers (including wholesale)	<b>P</b>
Farm Product Sales (Fruit/Vegetable Market) – not grown on premises	<b>P</b>
Kennels - §705	<b>P*</b>
Veterinary Clinic/Animal Hospital (with or without outdoor animal area) - §720	<b>P*</b>

TABLE OF PERMITTED USES & SPECIAL LAND USES	
<b>P</b> = Permitted by right <b>S</b> = Permitted with a Special Use Permit *supplemental development regulations	<b>B-2</b>
<b>Arts, Entertainment &amp; Recreation</b>	
Amusement Arcades & Similar Indoor Recreation	<b>P</b>
Archery Ranges (& as accessory use), Indoor	<b>S</b>
Art Galleries & Studios	<b>P</b>
Bike Shops	<b>P</b>
Billiards Halls & Bowling Alleys	<b>P</b>
Campgrounds (publicly-owned) - §702	<b>P*</b>
Canoe/Boat/Kayak Liveries - §711	<b>P*</b>
Equipment Rental, Non-Motorized (Outfitter)	<b>P</b>
Fitness & Recreational Sports (ex: health clubs, gym, tennis, swimming pool club)	<b>P</b>
Golf Driving Ranges	<b>S</b>
Marinas, Port and Dock Facilities - §711	<b>S*</b>
Museums	<b>S</b>
Outdoor Commercial Recreational Facility (go karts; miniature golf; disc golf) - §712	<b>S*</b>
Private Clubs; Lodges; Fraternal Organizations	<b>P</b>
Public Parks, Playgrounds, & Ball Fields	<b>P</b>
Recreation Area (outdoor)/Nature Parks/Nature Areas (public)	<b>P</b>
Theaters/Performing Arts Facilities/Assembly Halls (completed enclosed bldg.)	<b>P</b>
Theaters (Drive-In) - §704	<b>P*</b>
Tours (Commercial Operations) – (for ground & water passenger transportation, see "Transportation, Storage & Wholesale")	<b>S</b>

TABLE OF PERMITTED USES & SPECIAL LAND USES		TABLE OF PERMITTED USES & SPECIAL LAND USES	
<b>P</b> = Permitted by right <b>S</b> = Permitted with a Special Use Permit *supplemental development regulations		<b>P</b> = Permitted by right <b>S</b> = Permitted with a Special Use Permit *supplemental development regulations	
<b>Commercial, Services &amp; Retail</b>		<b>Commercial, Services &amp; Retail (continued)</b>	
Agricultural Sales & Service	P	Furniture & Home Furnishings Stores/Fixtures Stores	P
Antique Stores	P	Furniture Refinishing (Upholsterers)/Furn. Repair	P
Auto Body/Paint/Interior & Glass; Auto Repair; Oil Change; Tire Sales §721	S*	Gas Stations - §721	S*
Automotive Accessory Sales	P	General Merchandise Stores/General Retail	P
Automotive Equipment Rental/Leasing	S	General Rental Centers	P
Automobile Towing Businesses	S	Gift Shops	P
Bait & Tackle Shops	P	Hardware Stores	P
Boat Sales & Repair	P	Health & Personal Care Stores	P
Boat/RV/Recreational Equipment Repair & Storage	S	Health Spa	P
Building & Garden Equipment & Supplies Dealers	P	Home Improvement Centers - §724	S*
Business Incubator (Food Incubator listed under Manufacturing)	P	Interior Designers/Showrooms	P
Car Washes (completely enclosed bldg.) - §708	P*	Locksmiths	P
Cash Advance Stores	P	Lumber Yards (pre-planned, finished lumber)/Building Material Sales - §724	S*
Clothing, Clothing Accessory & Shoe Stores (including shoe repair)	P	Manufactured Home Dealers	S
Commercial/Industrial Equipment Rental & Leasing	S	Medical Equipment Sales	P
Commercial Equipment Repair & Maintenance	S	Medical Laboratories	P
Convenience Stores	P	Movie Rental Stores	P
Data Processing & Computer Centers including the servicing & maintenance of electronic data processing equipment	P	Office Developments	P
Dry Cleaning & Laundry Services	S	Office Supply Stores	P
Dry Goods & Notions Retail	P	Outdoor Sales/Rental of used automobiles, trucks, motorcycles, ATVs, marine craft, farm implements, contractor's equipment, recreational equipment - §722	S*
Electronic & Precision Equipment Repair & Maintenance	P	Panning for Gold/Other Minerals (business operation)	S
Electronics & Appliance Stores	P	Pawn Shops	S
Extermination & Pest Control Services	P	Personal Services (beauty shops, tailoring, massage therapy)	P
Farm & Feed Supply Stores	P	Pet & Pet Care Stores (except Veterinary & Animal Shelters)	P
Film Production Facilities including sound stages and other related activities	P	Pharmacies/Medical & Optical Supplies	P
Financial Institutions	P	Photofinishing/Photographers	P
Firearms Dealers	P	Printing/Binding/Publishing of Print Material	P
Flea Market	P	Professional Cleaning Services	P
Florists	P	Professional Offices	P
Food & Beverage Stores	P	Recording Studios	P
Funeral Homes & Mortuaries	P	Resale Shops/Thrift Shops	P
		Sexually Oriented Businesses - §736	S*
		Shopping Center – Multiple Businesses	P



TABLE OF PERMITTED USES & SPECIAL LAND USES	
<b>P</b> = Permitted by right <b>S</b> = Permitted with a Special Use Permit *supplemental development regulations	<b>B-2</b>
<b>Commercial, Services &amp; Retail (continued)</b>	
Small Engine Repair	<b>P</b>
Small-Scale Craft Making	<b>P</b>
Sporting Goods, Hobby, Book & Music Stores	<b>P</b>
Studios for dance, physical exercise and music	<b>P</b>
Taxidermy Shops	<b>P</b>
<b>Communications</b>	
Antenna Towers & Masts (residential accessory use)	<b>S</b>
Small Cell Wireless Facilities - §730	<b>P*</b>
Television/Radio Broadcasting Stations (with tower)	<b>S</b>
Wireless Communications Support Structures (cell towers) - §730	<b>S*</b>
<b>Construction &amp; Contractors</b>	
Special Trade Contractors Offices & Showrooms – no outdoor storage - §725	<b>P*</b>
Special trade contractors Offices & Showrooms w/ outdoor storage of materials & contractor's equipment (electrical, plumbing, heating, excavation, well-drilling, etc)	<b>S</b>
<b>Educational Services &amp; Religion</b>	
Colleges/Universities/Institutions of Higher/ Specialized Learning (i.e. business sch.)	<b>P</b>
Religious Institutions & Customary Accessory Uses	<b>P</b>
Trade Schools	<b>P</b>
<b>Human Care &amp; Social Assistance</b>	
Adult Day Care Facility – NOT In home	<b>P</b>
Assisted Living Home/Nursing Home/Convalescent Home	<b>S</b>
Child Caring Institution	<b>S</b>
Health Care/Dental/Optical Clinics/Medical Laboratories	<b>P</b>
Hospitals	<b>S</b>
Residential Human Care & Treatment Facility (not in private residence) – ex: Homeless Shelter	<b>S</b>
Rehabilitation Centers (24-hour residential facilities) - not drug rehab or detention facility	<b>P</b>
<b>Manufacturing, Mining &amp; Waste Management</b>	
Food/Beverage Bottling & Packaging	<b>P</b>

TABLE OF PERMITTED USES & SPECIAL LAND USES	
<b>P</b> = Permitted by right <b>S</b> = Permitted with a Special Use Permit *supplemental development regulations	<b>B-2</b>
<b>Manufacturing, Mining &amp; Waste Management (continued)</b>	
<b>In the B-2 District, the following shall only be permitted on lots which are zoned B-2 and located from south of Grant Street to South Partridge Point Road (east of the railroad):</b>	
<b>Manufacturing, Light</b> – including the production, processing, cleaning, testing, and distribution of materials, goods, foodstuffs, and products.  Light Manufacturing are those facilities in which the modes of operation of the facility have no external effects and do not directly affect nearby development. External effects shall include but are not limited to air contaminants, blown material, odor, noise, glare, gasses, electrical disturbance, heat, and vibration.	<b>S</b>
Mining (incl sand, gravel, rock and mineral extraction) - §733	<b>S*</b>
<b>Miscellaneous</b>	
Accessory Buildings & Uses - §305	<b>P*</b>
Mixed Uses (Nonresidential/Residential in one building or on one lot – both uses are primary to the property)	<b>S</b>
Planned Unit Developments - §738	<b>S*</b>
Site Condominium Development - §739	<b>S*</b>
<b>Public Facilities</b>	
Community Centers & Recreation Centers (public)	<b>P</b>
Government Offices	<b>P</b>
Libraries	<b>P</b>
Police/Fire Stations/Jails	<b>P</b>
Post Office	<b>P</b>
<b>Residential Uses</b>	
Dwelling Units above/to the rear of a Commercial Establishment (commercial is primary use of the property)	<b>P</b>
<b>Transportation, Storage &amp; Wholesale</b>	
Charter Boat Operations/Passenger Boat Ferries (waterfront only)	<b>S</b>
Couriers/Parcel Packing/Shipping/Delivery Establishments/Mail Order Establishments	<b>P</b>
Marinas, Port and Dock Facilities - §711	<b>S*</b>
Self-Storage Facilities	<b>P</b>

TABLE OF PERMITTED USES & SPECIAL LAND USES	
<b>P</b> = Permitted by right <b>S</b> = Permitted with a Special Use Permit *supplemental development regulations	<b>B-2</b>
<b>Transportation, Storage &amp; Wholesale (continued)</b>	
Towing Businesses	<b>P</b>
Transportation, Ground Passenger	<b>P</b>
Wholesale Businesses (except livestock) – w/in completely enclosed bldg. - §723	<b>P*</b>
<b>Utilities &amp; Energy</b>	
Hydroelectric Facilities (dams, substations, transmission lines)	<b>S</b>
Propane Distributor/Propane Supply Facilities	<b>P</b>

TABLE OF PERMITTED USES & SPECIAL LAND USES	
<b>P</b> = Permitted by right <b>S</b> = Permitted with a Special Use Permit *supplemental development regulations	<b>B-2</b>
<b>Utilities &amp; Energy (continued)</b>	
Public Utility Facilities (with storage yards)	<b>P</b>
Public Utility Offices (not incl. storage yards)	<b>P</b>
Solar Energy Facility (Utility-Scale) - §732	<b>S*</b>
Solar Energy Panels (as Accessory Use) - §732	<b>P*</b>
Utility Exchanges; Transformer Stations & Substations; Pump Stations & Service Yards	<b>S</b>
Wind Turbine Generators and Anemometer Towers (utility grid or commercial) - §731	<b>S*</b>
Wind Turbine Generators (on-site or private) - §731	<b>S*</b>

### C. Development Standards for B-2 District.

#### 1. Lot & Structure Standards

a. Lot Area	None
b. Lot Width (min.)	None (The length of the lot shall not exceed four (4) times the width) 200 feet for new lots with frontage on US 23 or M-32 (See §327 Access Mgmt)
c. Building Height (max.)	4 stories or 45 feet Planned development involving three (3) acres or more under one (1) ownership shall be subject to the approval of the Planning Commission, after public hearing, regarding modifications with respect to height regulations.
d. Lot Coverage (max.)	None

#### 2. Setbacks

a. Front (min.)	20 ft
b. Waterfront (min.)	25 ft from ordinary high water mark
c. Rear (min.)	20 ft
d. Side (min.)	5 ft – at least one side 10 ft - total of two sides On the exterior side yard which borders on a residential district, there shall be provided a setback of not less than ten (10') feet on the side abutting the residential street.

1 Title &amp; Purpose

2 Definitions

3 General Provisions

4 District Regulations

5 Site Plan Review &amp; Plot Plans

6 Special Land Use Review

7 Supplemental Regulations

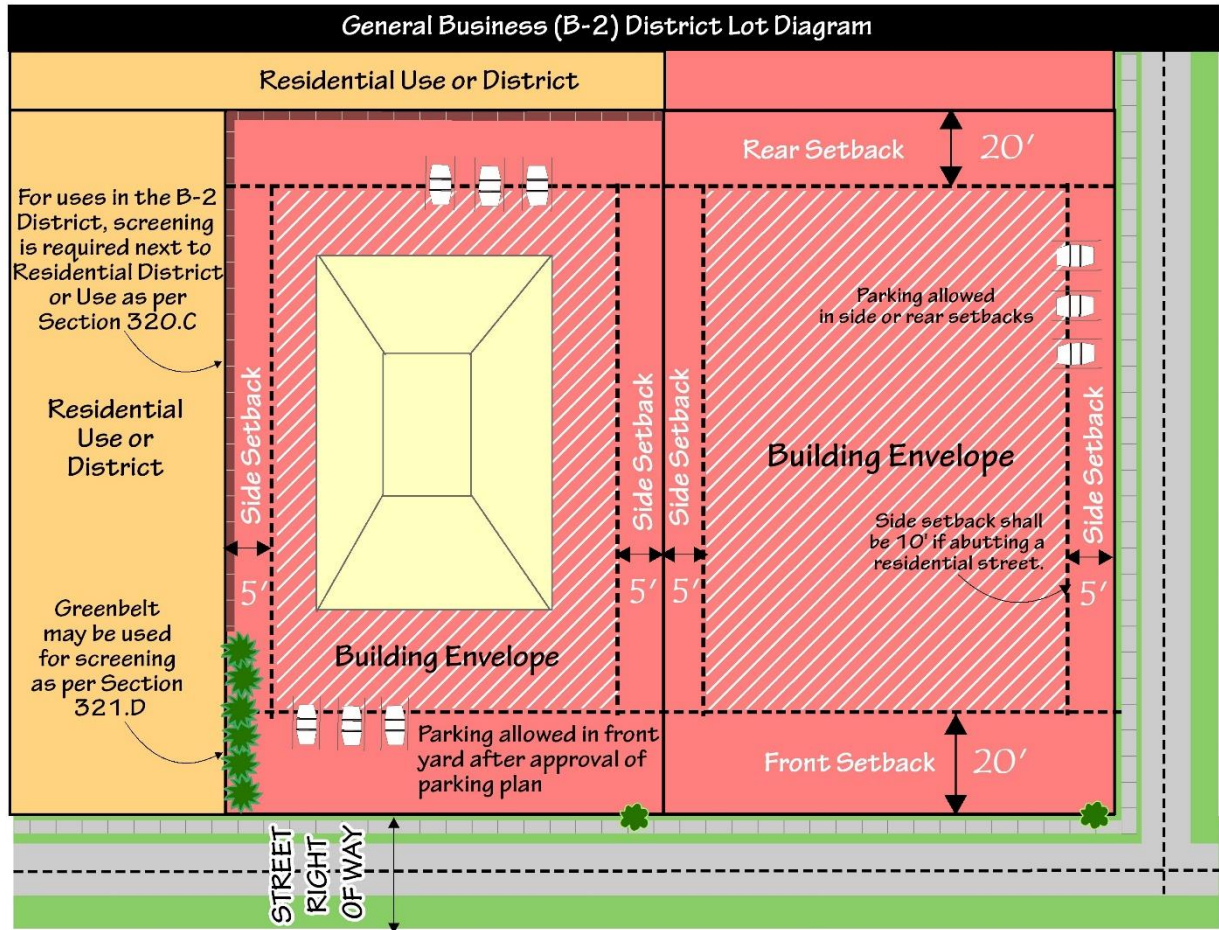
8 Zoning Board of Appeals

9 Administration &amp; Enforcement

10 Adoption &amp; Amendments

### 3. Additional Development Standards for B-2

a. Front Setback Averaging	Where the front yards of two (2) or more principal structures in any block in existence at the time of the passage of this Ordinance, within the district zoned, and on the same side of the street, are less than the minimum front yard indicated above, then any building subsequently erected on that side of the street shall not be less and need not be greater than the average depth of the front yards of said two (2) structures.	
b. Planning Commission Modification of Interior Setbacks	The Planning Commission may, upon review of the proposed site plan and after public hearing, modify interior setbacks, except as otherwise specified in an applicable building code.	
c. Parking	Parking may be permitted in the front yard after approval of the parking plan layout and points of access by the Planning Commission. The setback shall be measured from the nearest side of existing and/or proposed right-of-way lines. See <b>§325 for Parking Requirements</b> including <b>Subsection B.4 (Parking Lot Landscaping)</b> .	
d. Loading Space	Loading space shall be provided in the rear yard in the ratio of at least ten (10) square feet per front foot of building and shall be computed separately from the off-street parking requirements. When an alley exists or is provided at the rear of buildings, the rear building setback and loading requirements may be computed from the center of said alley.	
e. Accessory Buildings	See <b>§305</b> .	
f. Screening	When a non-residential use abuts a residential use or district, screening is required per <b>§321</b> .	
g. Fences	See <b>§320</b> .	
h. Permitted Encroachments	See <b>§331</b> .	
k. US 23 North Corridor	See <b>§328</b> .	
k. Properties on US 23 and M-32	See <b>§327</b> .	
l. B-2 Overlay District	<p>The B-2 Overlay District is located along US 23 and M-32, as shown on the Charter Township of Alpena Zoning Map, and allows for B-2 uses on parcels within the overlay in addition to the uses allowed in the underlying district. The B-2 Overlay District is 400 feet deep, measured from the front property line, on each side of the road, where indicated.</p> <p>(1) Uses which are listed as Permitted or Special Uses within the underlying district only shall adhere to the development standards for the underlying district and, if applicable, all supplemental standards in <b>Article 7</b>.</p> <p>(2) Uses which are listed as Permitted or Special Uses within the B-2 District only shall adhere to the development standards of the B-2 District and, if applicable, all supplemental standards in <b>Article 7</b>.</p> <p>(3) Uses which are listed as Permitted or Special Uses within both the underlying district and the B-2 District shall adhere to the least restrictive district development standards and, if applicable, all supplemental standards in <b>Article 7</b>.</p>	



**Section 413 B-3: Community Business District****A. Intent.****B-3**

The B-3 Community Business District is established to cater to the needs of a larger consumer population and is generally characterized by an integrated or planned cluster of establishments served by a common parking area and generating large volumes of vehicular and pedestrian traffic.

**B. Uses Allowed.**

Permitted and Special Land Uses shall be limited to those listed below (also in **Section 416: Full Table of Permitted and Special Land Uses**) and shall be subject to all applicable provisions of **Article 5: Site Plan Review and Plot Plans**, **Article 6: Special Land Use Review**, and **Article 7: Supplemental Regulations**.

<b>TABLE OF PERMITTED USES &amp; SPECIAL LAND USES</b>	
<b>P</b> = Permitted by right <b>S</b> = Permitted with a Special Use Permit *supplemental development regulations	<b>B-3</b>
<b>Accommodation &amp; Food/Event Services</b>	
Bakeries & Confectioneries	<b>P</b>
Cabin/Cottage Complex (permanent structures only)	<b>P</b>
Caterers/Food Service Contractors	<b>P</b>
Coffee Shops	<b>P</b>
Commercial Event Facilities - §742	<b>P*</b>
Drinking Establishments/Taverns/Bars	<b>P</b>
Food Trucks - §741	<b>P*</b>
Hotels & Motels (attached or detached units)	<b>P</b>
Microbreweries & Distilleries (serving directly to the public); Winery Tasting Rooms	<b>P</b>
Restaurants with or w/o Drive-Through - §703	<b>P*</b>
Rooming Houses/Boarding Houses (in existing residences only)	<b>P</b>
<b>Agriculture, Animals &amp; Forest Products</b>	
Agricultural products processing and storage (excluding concentrated animal feeding operations and slaughter houses)	<b>P</b>
Bulk seed, feed, fertilizer and nursery stock outlet and distribution centers (including wholesale)	<b>P</b>
Farm Product Sales (Fruit/Vegetable Market) – not grown on premises	<b>P</b>
Greenhouse; Nursery; Hoophouse	<b>P</b>
Kennels - §705	<b>P*</b>
Landscaping Establishment	<b>P</b>
Veterinary Clinic/Animal Hospital with or w/o outdoor animal area - §720	<b>P*</b>

<b>TABLE OF PERMITTED USES &amp; SPECIAL LAND USES</b>	
<b>P</b> = Permitted by right <b>S</b> = Permitted with a Special Use Permit *supplemental development regulations	<b>B-3</b>
<b>Arts, Entertainment &amp; Recreation</b>	
Amusement Arcades & Similar Indoor Recreation	<b>P</b>
Archery Ranges (& as accessory use), Indoor	<b>P</b>
Art Galleries & Studios	<b>P</b>
Bike Shops	<b>P</b>
Billiards Halls & Bowling Alleys	<b>P</b>
Canoe/Boat/Kayak Liveries - §711	<b>P*</b>
Equipment Rental, Non-Motorized (Outfitter)	<b>P</b>
Fitness & Recreational Sports (ex: health clubs, gym, tennis, swimming pool club)	<b>P</b>
Marinas, Port and Dock Facilities - §711	<b>S*</b>
Museums	<b>S</b>
Outdoor Commercial Recreational Facility (go karts; miniature golf; disc golf) - §712	<b>S*</b>
Private Clubs; Lodges; Fraternal Organizations	<b>P</b>
Recreational space providing children's amusement park when part of a planned shopping center - §712	<b>S*</b>
Skating Rinks, ice or non-ice (indoor)	<b>P</b>
Theaters/Performing Arts Facilities/Assembly Halls (completed enclosed bldg.)	<b>P</b>
Tours (Commercial Operations) – (for ground & water passenger transportation, see "Transportation, Storage & Wholesale")	<b>S</b>



TABLE OF PERMITTED USES & SPECIAL LAND USES	
<b>P</b> = Permitted by right <b>S</b> = Permitted with a Special Use Permit *supplemental development regulations	<b>B-3</b>
<b>Commercial, Services &amp; Retail</b>	
Agricultural Sales & Service	<b>P</b>
Antique Stores	<b>P</b>
Automotive Accessory Sales	<b>P</b>
Automotive Services (when part of a planned shopping center) - §727	<b>S*</b>
Bait & Tackle Shops	<b>P</b>
Building & Garden Equipment & Supplies Dealers	<b>P</b>
Business Incubator (Food Incubator listed under Manufacturing)	<b>P</b>
Car Washes (completely enclosed bldg.) - §708	<b>P*</b>
Cash Advance Stores	<b>P</b>
Clothing, Clothing Accessory & Shoe Stores (including shoe repair)	<b>P</b>
Convenience Stores	<b>P</b>
Data Processing & Computer Centers including the servicing & maintenance of electronic data processing equipment.	<b>P</b>
Dry Cleaning & Laundry Services	<b>S</b>
Dry Goods & Notions Retail	<b>P</b>
Electronic & Precision Equipment Repair & Maintenance	<b>P</b>
Electronics & Appliance Stores	<b>P</b>
Farm & Feed Supply Stores	<b>P</b>
Film Production Facilities including sound stages and other related activities	<b>P</b>
Financial Institutions	<b>P</b>
Firearms Dealers	<b>P</b>
Florists	<b>P</b>
Food & Beverage Stores	<b>P</b>
Funeral Homes & Mortuaries	<b>P</b>
Furniture & Home Furnishings Stores/Fixtures Stores	<b>P</b>
Furniture Refinishing (Upholsterers)/Furn. Repair	<b>P</b>
General Merchandise Stores/General Retail	<b>P</b>
General Rental Centers	<b>P</b>
Gift Shops	<b>P</b>
Hardware Stores	<b>P</b>
Health & Personal Care Stores	<b>P</b>

TABLE OF PERMITTED USES & SPECIAL LAND USES	
<b>P</b> = Permitted by right <b>S</b> = Permitted with a Special Use Permit *supplemental development regulations	<b>B-3</b>
<b>Commercial, Services &amp; Retail (continued)</b>	
Health Spa	<b>P</b>
Interior Designers/Showrooms	<b>P</b>
Locksmiths	<b>P</b>
Medical Equipment Sales	<b>P</b>
Medical Laboratories	<b>P</b>
Movie Rental Stores	<b>P</b>
Office Developments	<b>P</b>
Office Supply Stores	<b>P</b>
Panning for Gold/Other Minerals (business operation)	<b>S</b>
Personal Services (beauty shops, tailoring, massage therapy)	<b>P</b>
Pet & Pet Care Stores (except Veterinary & Animal Shelters)	<b>P</b>
Pharmacies/Medical & Optical Supplies	<b>P</b>
Photofinishing/Photographers	<b>P</b>
Printing/Binding/Publishing of Print Material	<b>P</b>
Professional Offices	<b>P</b>
Recording Studios	<b>P</b>
Resale Shops/Thrift Shops	<b>P</b>
Shopping Center – Multiple Businesses	<b>P</b>
Small-Scale Craft Making	<b>P</b>
Sporting Goods, Hobby, Book & Music Stores	<b>P</b>
Studios for dance, physical exercise and music	<b>P</b>
<b>Communications</b>	
Antenna Towers & Masts (residential accessory use)	<b>S</b>
Small Cell Wireless Facilities - §730	<b>P*</b>
Television/Radio Broadcasting Stations (with tower)	<b>S</b>
Wireless Communications Support Structures (cell towers) - §730	<b>S*</b>
<b>Construction &amp; Contractors</b>	
Special Trade Contractors Offices & Showrooms – no outdoor storage	<b>P</b>
<b>Educational Services &amp; Religion</b>	
Colleges/Universities/Institutions of Higher/ Specialized Learning (i.e. business sch.)	<b>P</b>
Religious Institutions & Customary Accessory Uses	<b>P</b>
Trade Schools	<b>P</b>

TABLE OF PERMITTED USES & SPECIAL LAND USES	
<b>P</b> = Permitted by right <b>S</b> = Permitted with a Special Use Permit *supplemental development regulations	<b>B-3</b>
<b>Human Care &amp; Social Assistance</b>	
Adult Day Care Facility – NOT In home	<b>P</b>
Correctional Facilities (private)	<b>S</b>
Rehabilitation Centers (24-hour residential facilities) - not drug rehab or detention facility	<b>P</b>
<b>Manufacturing, Mining &amp; Waste Management</b>	
<b>Manufacturing, Light</b> – including the production, processing, cleaning, testing, and distribution of materials, goods, foodstuffs, and products.  Light Manufacturing are those industries in which the modes of operation of the industry have no external effects and do not directly affect nearby development. External effects shall include but are not limited to air contaminants, blown material, odor, noise, glare, gasses, electrical disturbance, heat, and vibration.	<b>S</b>
Mining (incl sand, gravel, rock and mineral extraction) - §733	<b>S*</b>
<b>Miscellaneous</b>	
Accessory Buildings & Uses - §305	<b>P*</b>
Mixed Uses (Nonresidential/Residential in one building or on one lot – both uses are primary to the property)	<b>S</b>
Planned Unit Developments - §738	<b>S*</b>
Site Condominium Development - §739	<b>S*</b>

TABLE OF PERMITTED USES & SPECIAL LAND USES	
<b>P</b> = Permitted by right <b>S</b> = Permitted with a Special Use Permit *supplemental development regulations	<b>B-3</b>
<b>Public Facilities</b>	
Community Centers & Recreation Centers (public)	<b>P</b>
Government Offices	<b>P</b>
Libraries	<b>P</b>
Police/Fire Stations/Jails	<b>P</b>
Post Office	<b>P</b>
<b>Residential Uses</b>	
Dwelling Units above/to the rear of a Commercial Establishment (commercial is primary use of the property)	<b>P</b>
<b>Transportation, Storage &amp; Wholesale</b>	
Charter Boat Operations/Passenger Boat Ferries (waterfront only)	<b>S</b>
Marinas, Port and Dock Facilities - §711	<b>S*</b>
Warehousing & Storage	<b>S</b>
Wholesale Businesses (except livestock) – w/in completely enclosed bldg. - §723	<b>S*</b>
<b>Utilities &amp; Energy</b>	
Hydroelectric Facilities (dams, substations, transmission lines)	<b>S</b>
Solar Energy Facility (Utility-Scale) - §732	<b>S*</b>
Solar Energy Panels (as Accessory Use) - §732	<b>P*</b>
Wind Turbine Generators and Anemometer Towers (utility grid or commercial) - §731	<b>S*</b>
Wind Turbine Generators (on-site or private) - §731	<b>S*</b>



**C. Development Standards for B-3 District.****1. Lot & Structure Standards**

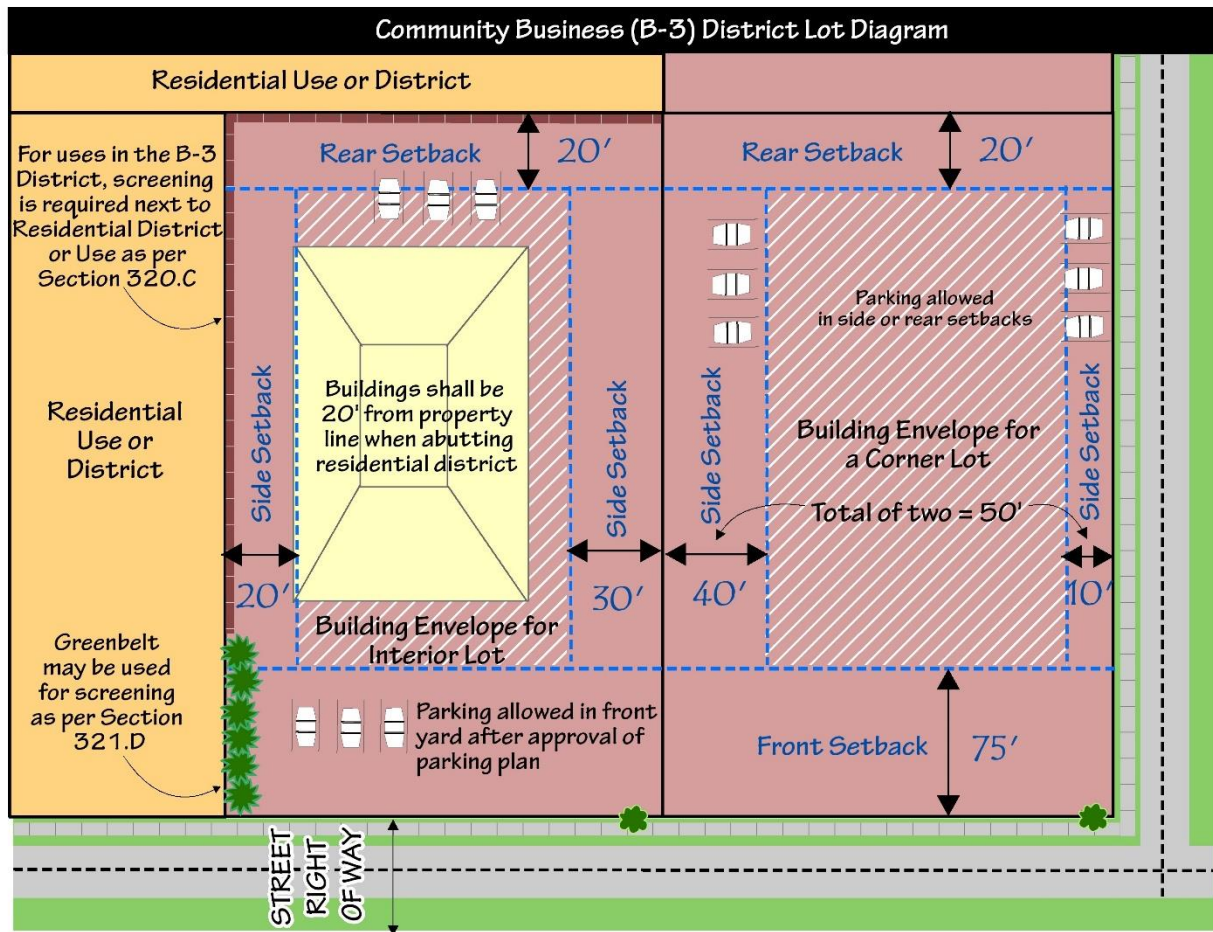
a. Lot Area	None
b. Lot Width (min.)	None (The length of the lot shall not exceed four (4) times the width) 200 feet for new lots with frontage on US 23 or M-32 (See <b>§327</b> Access Mgmt)
c. Building Height (max.)	4 stories or 45 feet Planned development involving three (3) acres or more under one (1) ownership shall be subject to the approval of the Planning Commission, after public hearing, regarding modifications with respect to height regulations.
d. Lot Coverage (max.)	None

**2. Setbacks**

a. Front (min.)	75 ft
b. Waterfront (min.)	25 ft from ordinary high water mark
c. Rear (min.)	20 ft
d. Side (min.)	50 ft - total of 2 sides. No side setback shall be less than 10'.

**3. Additional Development Standards**

a. Setback from Residential District	No building shall be closer than twenty (20') feet to the property line when said property line abuts any residential district.
b. Modification of all Setbacks and Height by Planning Commission	The Planning Commission may, upon review of the proposed site plan and after public hearing, modify front, side, and rear yard and height requirements upon a finding that (1) adequate ingress and egress for parking, loading, and fire and police protection needs are met; and (2) that any building code requirements relative to the relationships between buildings are met.
c. Parking	Parking may be permitted in the front yard after approval of the parking plan layout and points of access by the Planning Commission. The setback shall be measured from the nearest side of existing and/or proposed right-of-way lines. See <b>§325 for Parking Requirements</b> including <b>Subsection B.4 (Parking Lot Landscaping)</b> .
d. Accessory Buildings	See <b>§305</b> .
e. Screening	When a non-residential use abuts a residential use or district, screening is required per <b>§321</b> .
f. Fences	See <b>§320</b> .
g. Permitted Yard Encroachments	See <b>§331</b> .
h. Signs	See <b>§330</b> .
i. Properties on US 23 and M-32	See <b>§327</b> .



## Section 414 M-1: Light Manufacturing District

### A. Intent.

### M-1

The M-1 Light Manufacturing District is designed so as to primarily accommodate wholesale activities, warehouses, major repair operations, manufacturing, and other industrial activities whose external, physical effects are such that it should be restricted to the area of the district and in no manner affects in a detrimental way any of the surrounding districts. Uses with external effects may be allowed by Special Use.

### B. Uses Allowed.

Permitted and Special Land Uses shall be limited to those listed below (also in **Section 416: Full Table of Permitted and Special Land Uses**) and shall be subject to all applicable provisions of **Article 5: Site Plan Review and Plot Plans**, **Article 6: Special Land Use Review**, and **Article 7: Supplemental Regulations**.

TABLE OF PERMITTED USES & SPECIAL LAND USES	
<i>P</i> = Permitted by right <i>S</i> = Permitted with a Special Use Permit <i>*supplemental development regulations</i>	M-1
<b>Agriculture, Animals &amp; Forest Products</b>	
Agricultural products processing and storage (excluding concentrated animal feeding operations and slaughter houses)	P
Composting Facility (large scale facility – compost material brought in and deposited)	P
Forest Products Processing (Saw Mills, Veneer Mills, Planing Mills & related operations)	S
Slaughter Houses	P
<b>Arts, Entertainment &amp; Recreation</b>	
Theaters (Drive-In) - §704	P*
<b>Commercial, Services &amp; Retail</b>	
Agricultural Sales & Service	P
Boat/RV/Recreational Equipment Repair & Storage	P
Business Incubator (Food Incubator listed under Manufacturing)	P
Commercial/Industrial Equipment Rental & Leasing	P
Commercial Equipment Repair & Maintenance	P
Extermination & Pest Control Services	P
Film Production Facilities including sound stages and other related activities	P
Office Developments	P
Printing/Binding/Publishing of Print Material	P
Recording Studios	P

TABLE OF PERMITTED USES & SPECIAL LAND USES	
<i>P</i> = Permitted by right <i>S</i> = Permitted with a Special Use Permit <i>*supplemental development regulations</i>	M-1
<b>Communications</b>	
Antenna towers and masts (residential accessory use)	S
Small Cell Wireless Facilities - §730	P*
Wireless Communications Support Structures (cell towers) - §730	S*
<b>Construction &amp; Contractors</b>	
Special Trade Contractors Offices & Showrooms – no outdoor storage	P
Special trade contractors Offices & Showrooms w/ outdoor storage of materials & contractor's equipment (electrical, plumbing, heating, excavation, well-drilling, etc)	P
<b>Educational Services &amp; Religion</b>	
Trade Schools	P
<b>Human Care &amp; Social Assistance</b>	
Correctional Facilities (private)	S

TABLE OF PERMITTED USES & SPECIAL LAND USES	
<b>P</b> = Permitted by right <b>S</b> = Permitted with a Special Use Permit *supplemental development regulations	<b>M-1</b>
<b>Manufacturing, Mining &amp; Waste Management</b>	
<b>Manufacturing, Light</b> – including the production, processing, cleaning, testing, and distribution of materials, goods, foodstuffs, and products.  Light Manufacturing are those facilities in which the modes of operation of the facility have no external effects and do not directly affect nearby development. External effects shall include but are not limited to air contaminants, blown material, odor, noise, glare, gasses, electrical disturbance, heat, and vibration.	<b>P</b>
<b>Manufacturing, Heavy</b> – including the production, processing, cleaning, testing, and distribution of materials, goods, foodstuffs, and products.  Heavy Manufacturing are those facilities in which the modes of operation of the facility do have external effects and may directly affect nearby development. External effects shall include but are not limited to air contaminants, blown material, odor, noise, glare, gasses, electrical disturbance, heat, and vibration.	<b>S</b>
Accessory Uses incidental to Manufacturing (offices, foods services, caretaker buildings)	<b>P</b>
Bakeries (not direct to customer)	<b>P</b>
Blast Furnace, Steel Furnace, Blooming or Rolling Mill	<b>P</b>
Central Dry Cleaning Plants & Laundries (not dealing directly with customers)	<b>P</b>
Cold Storage Plants	<b>P</b>
Dimension and Pattern Shops	<b>P</b>
Fertilizer, Liquid Nitrogen, & Anhydrous Ammonia Handling	<b>P</b>
Food Hub Facility/Food Incubator Facility	<b>P</b>
Gas & Oil Processing Facilities/Refinery	<b>P</b>
Incinerator Plant (non-pyrolysis)	<b>P</b>
Incinerator Plant (pyrolysis type)/Gasification	<b>P</b>
Industrial Parks (planned)	<b>P</b>
Junkyards/salvage yards/scrap yards/motor vehicle impoundment and wrecking yards - §728	<b>S*</b>
Laboratories for research and testing excluding explosive or radioactive materials	<b>P</b>
Machine Shops	<b>P</b>
Meat Packing Plants	<b>P</b>
Metal Plating/Buffering/Polishing/Cutting/Slitting/Shearing - §729	<b>S*</b>

TABLE OF PERMITTED USES & SPECIAL LAND USES	
<b>P</b> = Permitted by right <b>S</b> = Permitted with a Special Use Permit *supplemental development regulations	<b>M-1</b>
<b>Manufacturing, Mining &amp; Waste Management</b>	
Mineral and Ore Processing Facilities & Operations (with attendant waste disposal and tailings area)	<b>P</b>
Mining (incl sand, gravel, rock and mineral extraction) - §733	<b>S*</b>
Offices related to industrial operations	<b>P</b>
Painting, Varnishing and Undercoating Shops - §729	<b>S*</b>
Petroleum Products, Gas Products, Paint & Chemical Bulk Storage & Distribution - §729	<b>S*</b>
Petroleum Refinery	<b>S</b>
Portable and temporary hot and cold mix asphalt plants, ready-mix concrete plants, and similar uses	<b>P</b>
Printing, Lithographic & Blueprinting	<b>P</b>
Recycling facilities/Resource Recovery Facilities/Transfer Stations/Waste Collection	<b>P</b>
Research/Design/Experimental Product Development (within a completely enclosed building)	<b>P</b>
Sign Painting	<b>P</b>
Smelting Industries	<b>P</b>
Tin shops or Plumbing Supply Shops	<b>P</b>
Tool & Die Shops	<b>P</b>
<b>Miscellaneous</b>	
Accessory Buildings & Uses - §305	<b>P*</b>
Planned Unit Developments - §738	<b>S*</b>
Site Condominium Development - §739	<b>S*</b>
<b>Public Facilities</b>	
Public Works Facilities (i.e. road commission garage)	<b>P</b>
Water & Wastewater Treatment Plants	<b>P</b>
<b>Transportation, Storage, &amp; Wholesale</b>	
Automobile, Tractor & Trucking Facilities (including storage/repair)	<b>P</b>
Charter Boat Operations/Passenger Boat Ferries (waterfront only)	<b>S</b>
Couriers/Parcel Packing/Shipping/Delivery Establishments/Mail Order Establishments	<b>P</b>
Drone (Unmanned Aerial) Centers	<b>P</b>
Freight Terminals	<b>P</b>

TABLE OF PERMITTED USES & SPECIAL LAND USES	
<b>P</b> = Permitted by right <b>S</b> = Permitted with a Special Use Permit *supplemental development regulations	<b>M-1</b>
<b>Transportation, Storage, &amp; Wholesale (continued)</b>	
Marinas, Port and Dock Facilities - §711	<b>S*</b>
Railroad uses (not incl switching yards, storage yards, storage buildings, and freight yards)	<b>P</b>
Self-Storage Facilities	<b>P</b>
Towing Businesses	<b>P</b>
Transportation, Ground Passenger	<b>P</b>
Truck Washes - §708	<b>P*</b>
Warehousing & Storage	<b>P</b>
Wholesale Businesses (except livestock) – w/in completely enclosed bldg	<b>P</b>
Wholesale Businesses combined with Retail (conducted entirely w/in bldg)	<b>P</b>

TABLE OF PERMITTED USES & SPECIAL LAND USES	
<b>P</b> = Permitted by right <b>S</b> = Permitted with a Special Use Permit *supplemental development regulations	<b>M-1</b>
<b>Utilities &amp; Energy</b>	
Heating & Electric Power Generating Plants	<b>P</b>
Hydroelectric Facilities (dams, substations, transmission lines)	<b>S</b>
Propane Distributor/Propane Supply Facilities	<b>P</b>
Public Utility Facilities (with storage yards)	<b>P</b>
Solar Energy Facility (Utility-Scale) - §732	<b>S*</b>
Solar Energy Panels (as Accessory Use) - §732	<b>P*</b>
Utility Exchanges; Transformer Stations & Substations; Pump Stations & Service Yards	<b>P</b>
Wind Turbine Generators and Anemometer Towers (utility grid or commercial) - §731	<b>S*</b>
Wind Turbine Generators (on-site or private) - §731	<b>S*</b>

### C. Development Standards for M-1 District.

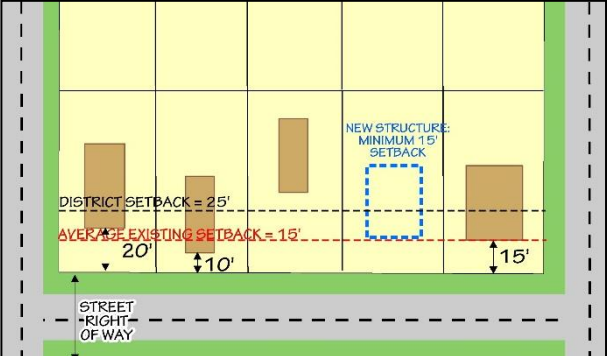
#### 1. Lot & Structure Standards

a. Lot Area	None
b. Lot Width (min.)	None (The length of the lot shall not exceed four (4) times the width) 200 feet for new lots with frontage on US 23 or M-32 (See §327 Access Mgmt)
c. Building Height (max.)	4 stories or 45 feet Planned development involving three (3) acres or more under one (1) ownership shall be subject to the approval of the Planning Commission, after public hearing, regarding modifications with respect to height regulations.
d. Lot Coverage (max.)	None

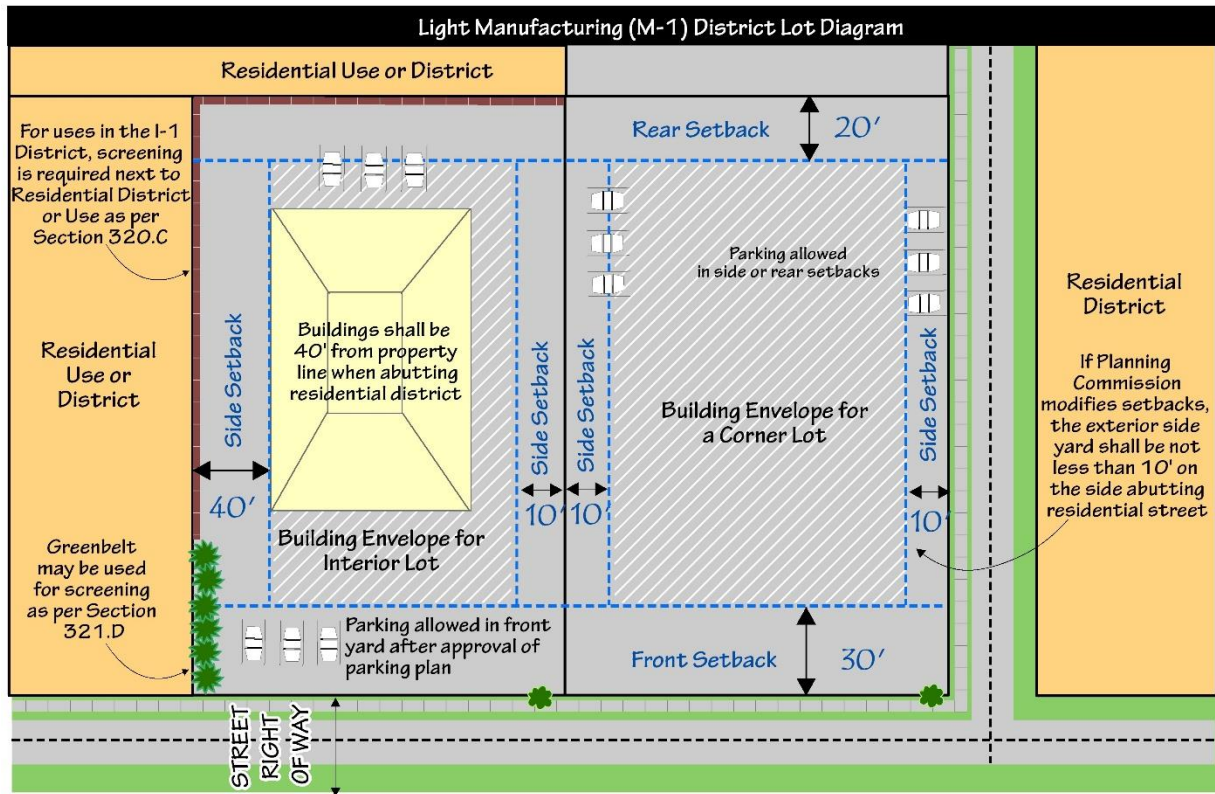
#### 2. Setbacks

a. Front (min.)	30 ft
b. Waterfront (min.)	25 ft from ordinary high water mark
c. Rear (min.)	20 ft
d. Side (min.)	10 ft - one side 20 ft – two sides

### 3. Additional Development Standards for M-1

a. Front Setback Averaging	<p>Where the front yards of two (2) or more principal structures in any block in existence at the time of the passage of this Ordinance, within the district zoned, and on the same side of the street, are less than the minimum front yard indicated above, then any building subsequently erected on that side of the street shall not be less and need not be greater than the average depth of the front yards of said two (2) structures.</p> 
b. Setback from Residential District	<p>No building shall be closer than forty (40') feet to the property line when said property line abuts any residential district.</p>
c. Modification of all Setbacks and Height by Planning Commission	<p>The Planning Commission may, upon review of the proposed site plan and after public hearing, modify front, side, and rear yard and height requirements upon a finding that (1) adequate ingress and egress for parking, loading, and fire and police protection needs are met and (2) that any building code requirements relative to the relationships between buildings are met.</p> <p>On the exterior side yard which borders on a residential district, there shall be provided a setback of not less than ten (10') feet on the side abutting the residential street.</p>
d. Parking	<p>Parking may be permitted in the front yard after approval of the parking plan layout and points of access by the Planning Commission. The setback shall be measured from the nearest side of existing and/or proposed right-of-way lines. See <b>§325 for Parking Requirements</b> including <b>Subsection B.4 (Parking Lot Landscaping)</b>.</p>
e. Accessory Buildings	See <b>§303</b> .
f. Screening	When a non-residential use abuts a residential use or district, screening is required per <b>§321</b> .
g. Fences	See <b>§320</b> .
h. Permitted Yard Encroachments	See <b>§331</b> .
m. Properties on US 23 and M-32	See <b>§327</b> .
m. US 23 North Corridor Property	See <b>§328</b> .
n. Signs	See <b>§330</b> .







Section 415 M-2: Mixed Manufacturing District

A. Intent.

M-2

The M-2 Mixed Manufacturing District is designed primarily for manufacturing, assembling, and fabrication activities including large scale or specialized industrial operations, whose external physical effects will be felt to some degree to surrounding districts. The M-2 District is so structured as to permit the manufacturing, processing, and compounding of semi-finished products from raw materials.

B. Uses Allowed.

Permitted and Special Land Uses shall be limited to those listed below (also in **Section 416: Full Table of Permitted and Special Land Uses**) and shall be subject to all applicable provisions of **Article 5: Site Plan Review and Plot Plans**, **Article 6: Special Land Use Review**, and **Article 7: Supplemental Regulations**.

TABLE OF PERMITTED USES & SPECIAL LAND USES	
<i>P</i> = Permitted by right <i>S</i> = Permitted with a Special Use Permit *supplemental development regulations	M-2
<b>Agriculture, Animals &amp; Forest Products</b>	
Agricultural products processing and storage (excluding concentrated animal feeding operations and slaughter houses)	P
Composting Facility (large scale facility – compost material brought in and deposited)	P
Slaughter Houses	P
<b>Arts, Entertainment &amp; Recreation</b>	
Theaters (Drive-In) - §704	P*
<b>Commercial, Services &amp; Retail</b>	
Business Incubator (Food Incubator listed under Manufacturing)	P
Crematoriums	P
<b>Communications</b>	
Antenna Towers & Masts (residential accessory use)	S
Small Cell Wireless Facilities - §730	P*
Wireless Communications Support Structures (cell towers) - §730	S*
<b>Construction &amp; Contractors</b>	
Special Trade Contractors Offices & Showrooms – no outdoor storage	P
Special trade contractors Offices & Showrooms w/ outdoor storage of materials & contractor's equipment (electrical, plumbing, heating, excavation, well-drilling, etc)	P
<b>Human Care &amp; Social Assistance</b>	
Correctional Facilities (private)	S

TABLE OF PERMITTED USES & SPECIAL LAND USES	
<i>P</i> = Permitted by right <i>S</i> = Permitted with a Special Use Permit *supplemental development regulations	M-2
<b>Manufacturing, Mining &amp; Waste Management</b>	
<b>Manufacturing, Light</b> – including the production, processing, cleaning, testing, and distribution of materials, goods, foodstuffs, and products.  Light Manufacturing are those facilities in which the modes of operation of the facility have no external effects and do not directly affect nearby development. External effects shall include but are not limited to air contaminants, blown material, odor, noise, glare, gasses, electrical disturbance, heat, and vibration.	P
<b>Manufacturing, Heavy</b> – including the production, processing, cleaning, testing, and distribution of materials, goods, foodstuffs, and products.  Heavy Manufacturing are those facilities in which the modes of operation of the facility do have external effects and may directly affect nearby development. External effects shall include but are not limited to air contaminants, blown material, odor, noise, glare, gasses, electrical disturbance, heat, and vibration.	P
Accessory Uses incidental to Manufacturing (offices, foods services, caretaker buildings)	P
Bakeries (not direct to customer)	P
Blast Furnace, Steel Furnace, Blooming or Rolling Mill	P
Central Dry Cleaning Plants & Laundries (not dealing directly with customers)	P
Cold Storage Plants	P
Dimension and Pattern Shops	P

TABLE OF PERMITTED USES & SPECIAL LAND USES	
<b>P</b> = Permitted by right <b>S</b> = Permitted with a Special Use Permit *supplemental development regulations	<b>M-2</b>
<b>Manufacturing, Mining &amp; Waste Management</b>	
Fertilizer, Liquid Nitrogen, & Anhydrous Ammonia Handling	P
Food Hub Facility/Food Incubator Facility	P
Gas & Oil Processing Facilities/Refinery	P
Incinerator Plant (non-pyrolysis)	P
Incinerator Plant (pyrolysis type)/Gasification	P
Industrial Parks (planned)	P
Junkyards/salvage yards/scrap yards/motor vehicle impoundment and wrecking yards - §728	S*
Laboratories for research and testing excluding explosive or radioactive materials	P
Machine Shops	P
Meat Packing Plants	P
Metal Plating/Buffering/Polishing/Cutting/Slitting/Shearing - §729	P*
Mineral and Ore Processing Facilities & Operations (with attendant waste disposal and tailings area)	P
Mining (incl sand, gravel, rock and mineral extraction) - §733	S*
Offices related to industrial operations	P
Painting, Varnishing and Undercoating Shops - §729	P*
Petroleum Products, Gas Products, Paint & Chemical Bulk Storage & Distribution - §729	P*
Petroleum Refinery	P
Portable and temporary hot and cold mix asphalt plants, ready-mix concrete plants, and similar uses	P
Printing, Lithographic & Blueprinting	P
Recycling facilities/Resource Recovery Facilities/Transfer Stations/Waste Collection	P
Research/Design/Experimental Product Development (within a completely enclosed building)	P
Sign Painting	P
Smelting Industries	P
Tin shops or Plumbing Supply Shops	P
Tool & Die Shops	P

TABLE OF PERMITTED USES & SPECIAL LAND USES	
<b>P</b> = Permitted by right <b>S</b> = Permitted with a Special Use Permit *supplemental development regulations	<b>M-2</b>
<b>Miscellaneous</b>	
Accessory Buildings & Uses - §305	P*
Planned Unit Developments - §738	S*
Site Condominium Development - §739	S*
<b>Public Facilities</b>	
Public Works Facilities (i.e. road commission garage)	P
Water & Wastewater Treatment Plants	P
<b>Transportation, Storage, &amp; Wholesale</b>	
Automobile, Tractor & Trucking Facilities (including storage/repair)	P
Charter Boat Operations/Passenger Boat Ferries (waterfront only)	S
Couriers/Parcel Packing/Shipping/Delivery Establishments/Mail Order Establishments	P
Drone (Unmanned Aerial) Centers	P
Freight Terminals	P
Marinas, Port and Dock Facilities - §711	S*
Railroad uses (not incl switching yards, storage yards, storage buildings, and freight yards)	P
Self-Storage Facilities	P
Towing Businesses	P
Transportation, Ground Passenger	P
Truck Washes - §708	P*
Warehousing & Storage	P
Wholesale Businesses (except livestock) – w/in completely enclosed bldg	P
Wholesale Businesses combined with Retail (conducted entirely w/in bldg)	P
<b>Utilities &amp; Energy</b>	
Heating & Electric Power Generating Plants	P
Hydroelectric Facilities (dams, substations, transmission lines)	S
Propane Distributor/Propane Supply Facilities	P
Public Utility Facilities (with storage yards)	P
Solar Energy Facility (Utility-Scale) - §732	S*
Solar Energy Panels (as Accessory Use) - §732	P*
Utility Exchanges; Transformer Stations & Substations; Pump Stations & Service Yards	P
Wind Turbine Generators and Anemometer Towers (utility grid or commercial) - §731	S*
Wind Turbine Generators (on-site or private) - §731	S*

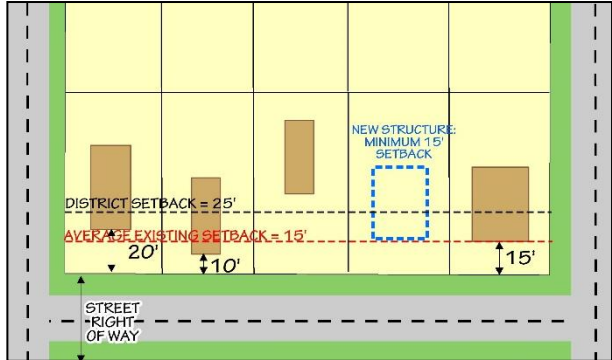
**C. Development Standards for M-2 District.****1. Lot & Structure Standards**

a. Lot Area	None
b. Lot Width (min.)	None (The length of the lot shall not exceed four (4) times the width) 200 feet for new lots with frontage on US 23 or M-32 (See §327 Access Mgmt)
c. Building Height (max.)	None
d. Lot Coverage (max.)	None

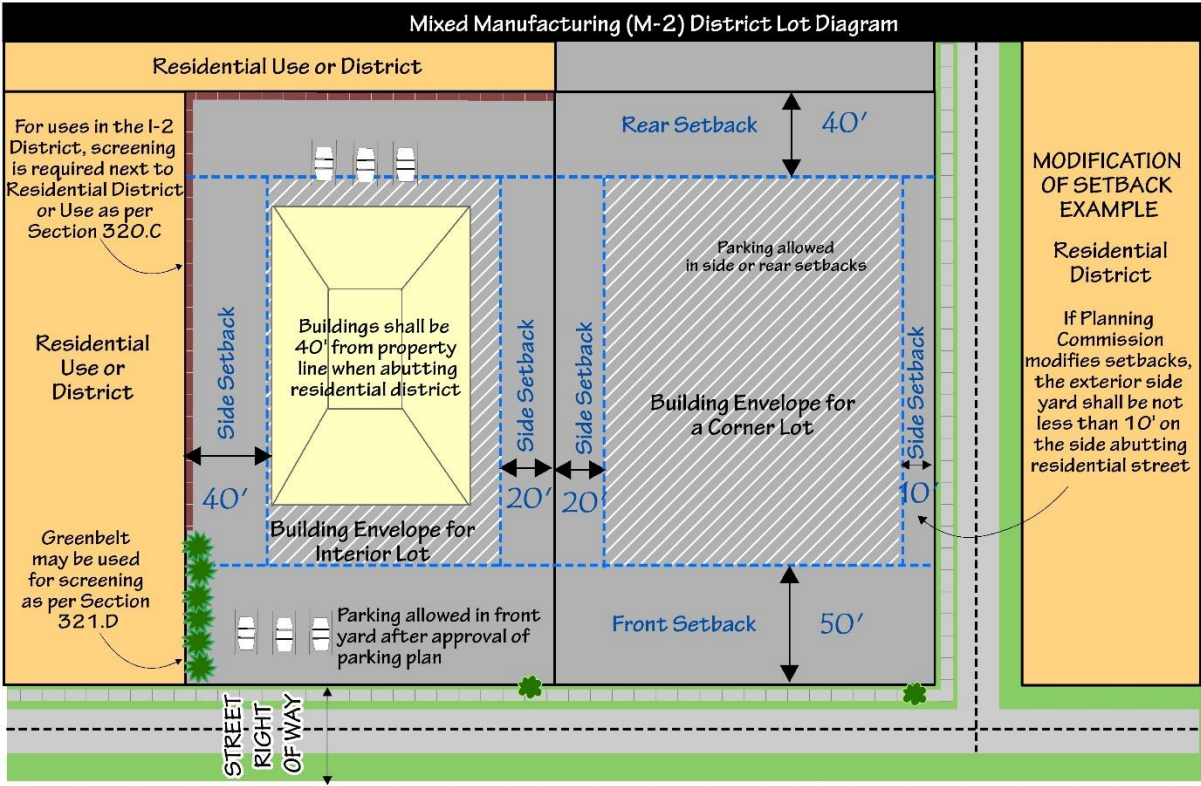
**2. Setbacks**

a. Front (min.)	50 ft
b. Waterfront (min.)	25 ft from ordinary high water mark
c. Rear (min.)	40 ft
d. Side (min.)	20 ft - one side 40 ft - two sides

**3. Additional Development Standards for M-2**

a. Front Setback Averaging	<p>Where the front yards of two (2) or more principal structures in any block in existence at the time of the passage of this Ordinance, within the district zoned, and on the same side of the street, are less than the minimum front yard indicated above, then any building subsequently erected on that side of the street shall not be less and need not be greater than the average depth of the front yards of said two (2) structures.</p> 
b. Setback from Residential District	<p>No building shall be closer than forty (40') feet to the property line when said property line abuts any residential district.</p>
c. Modification of all Setbacks and Height by Planning Commission	<p>The Planning Commission may, upon review of the proposed site plan and after public hearing, modify front, side, and rear yard and height requirements upon a finding that (1) adequate ingress and egress for parking, loading, and fire and police protection needs are met and (2) that any building code requirements relative to the relationships between buildings are met.</p> <p>However, on the exterior side yard which borders on a residential district, there shall be provided a setback of not less than ten (10') feet on the side abutting the residential street.</p>

d. Parking	Parking may be permitted in the front yard after approval of the parking plan layout and points of access by the Planning Commission. The setback shall be measured from the nearest side of existing and/or proposed right-of-way lines. See <b>§325 for Parking Requirements</b> including <b>Subsection B.4 (Parking Lot Landscaping)</b> .
e. Accessory Buildings	See <b>§305</b> .
f. Screening	When a non-residential use abuts a residential use or district, screening is required per <b>§321</b> .
g. Fences	See <b>§320</b> .
h. Permitted Yard Encroachments	See <b>§331</b> .
i. Signs	See <b>§330</b> .
n. Properties on US 23 and M-32	See <b>§327</b> .
j. US 23 North Corridor	See <b>§328</b> .



## Section 416 Full Table of Permitted & Special Land Uses

Permitted and Special Land Uses shall be limited to those listed in the following Table of Permitted and Special Land Uses and listed in the individual use tables within each district section (above). Uses not listed are not permitted. Unlisted uses are subject to **Section 315**.

Charter Township of Alpena Zoning Districts	
C	Conservation District
FR	Forest Recreation District
A	Agricultural District
WR	Waterfront Residential District
R-1	One-Family Residential District
R-2	Rural Residential District
R-3	Mixed Residential District
OS	Office Service District
B-1	Restricted Business District
B-2	General Business District
B-3	Community Business District
M-1	Light Manufacturing District
M-2	Mixed Manufacturing District

Land Use Categories	Pg
Accommodation & Food/Event Services	4-62
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Table of Permitted Uses & Special Land Uses						*supplemental development regulations												
P = Permitted by right    S = Permitted with a Special Use Permit						WR	R-1	R-2	R-3	OS	B-1	B-2	B-3	A	FR	C	M-1	M-2
Accommodation & Food/Event Services																		
Bakeries & Confectioneries						P	P	P										
Bed & Breakfasts & Tourist Homes	S	S	S	S					S	S								
Cabin/Cottage Complex (permanent structures only) - §709	S*			S*		S*	P	P										
Caterers/Food Service Contractors							P	P										
Coffee Shops						S	P	P										
Commercial Event Facilities - §742							P*	P*	S*	S*								
Drinking Establishments/Taverns/Bars						S	P	P										
Food Trucks - §741							P*	P*	S*	S*								
Hotels & Motels (attached or detached units) - §709	S*			S*		S*	P	P		S*								
Microbreweries & Distilleries (serving directly to the public); Winery Tasting Rooms							P	P										
Resorts and Vacation Lodges - §709	S*									S*								
Restaurants without Drive-Through	S			S		S	P	P										
Restaurants with Drive-Through (Drive-In or Eat in Car)- §703							P*	P*										
Rooming Houses/Boarding Houses (In B-2 and B-3 in existing residences only)	S	S	S	S			P	P	S	S								
Wineries/Cider Mills with Retail Sales/Tasting Rooms									P									

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## Table of Permitted Uses &amp; Special Land Uses

\*supplemental development regulations

P = Permitted by right    S = Permitted with a Special Use Permit	WR	R-1	R-2	R-3	OS	B-1	B-2	B-3	A	FR	C	M-1	M-2
<b>Agriculture, Animals &amp; Forest Products</b>													
Agricultural products processing and storage (excluding concentrated animal feeding operations and slaughter houses)							P	P	P			P	P
Animal Sales Yards/Auctions for Livestock									S				
Animal Shelter									S	S			
Agricultural Tourism Businesses (on Farms)									S	S			
Biofuel Production Facilities on Farms - §734									PS*	PS*	PS*		
Boarding Stables; Riding Arenas									P	P	P		
Bulk seed, feed, fertilizer and nursery stock outlet and distribution centers (including wholesale)							P	P					
Composting Facility (large scale facility – compost material brought in and deposited)									S			P	P
Farming, Domestic									P	P	P		
Farming, Commercial									P	P	P		
Farm Product Sales (Fruit/Vegetable Market) – not grown on premises						P	P	P	P	P	P		
Farm Market/Roadside stand (sale of product grown on premises)									P	P	P		
Firewood Sales (Commercial - using machinery)									S	S			
Firewood Sales (Commercial - NOT using machinery)	S	S	S	S					S	S			
Forest Products Processing (Saw Mills, Veneer Mills, Planing Mills & related operations)										S	S	S	
Forestry/Forest Management (including forest harvesting and temporary log storage yards)									P	P	P		
Grain Elevators									P				
Greenhouse; Nursery; Hoophouse								P	P				
Kennels - §705						P*	P*	P*	P*	P*			
Landscaping Establishment								P	P				
Slaughter Houses												P	P
Veterinary Clinic/Animal Hospital - §720							P*	P*	P*				
Veterinary Clinic/Animal Hospital with no outdoor animal area - §720					S*		P*	P*	P*				

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**Table of Permitted Uses & Special Land Uses***\*supplemental development regulations***P** = Permitted by right    **S** = Permitted with a Special Use Permit

	WR	R-1	R-2	R-3	OS	B-1	B-2	B-3	A	FR	C	M-1	M-2
<b>Arts, Entertainment &amp; Recreation</b>													
Amusement Arcades & Similar Indoor Recreation							P	P					
Archery Ranges (& as accessory use), Indoor							S	P	S				
Art Galleries & Studios				S		P	P	P					
Bike Shops		S	S	S		P	P	P					
Billiards Halls & Bowling Alleys							P	P					
Campgrounds (publicly-owned) - §702	S*		S*	S*		P*	P*		S*	P*	P*		
Campgrounds (commercial) - §702	S*								S*	S*	P*		
Camps (Summer Camps) - §702	S*								S*		P*		
Canoe/Boat/Kayak Liveries - §711	S*			S*			P*	P*		S*			
Country Clubs									S				
Equipment Rental, Non-Motorized (Outfitter)	S						P	P					
Fitness & Recreational Sports (ex: health clubs, gym, tennis, swimming pool club)					S		P	P					
Golf Courses - §717	S	S*	S*	S*					S				
Golf Driving Ranges							S		S				
Marinas, Port and Dock Facilities - §711	<b>Special use on waterfront properties*</b>												
Museums	S		S	S	S	S	S	S	S	S	S		
Outdoor Commercial Recreational Facility (go karts; miniature golf; disc golf) - §712							S*	S*					
Outdoor Performance Facilities									S				
Private Clubs; Lodges; Fraternal Organizations					S	P	P	P					
Public Parks, Playgrounds, & Ball Fields	P	P	P	P		P	P		P	P	P		
Race Tracks - §706									S*				
Recreation Area (outdoor)/Nature Parks/Nature Areas (public)	P	P	P	P		P	P		S	P	P		
Recreation Areas (outdoor) (non-publicly owned – nonprofit, not open to the public)	S	S	S	S					S	S	S		
Recreational space providing children's amusement park when part of a planned shopping center - §726								S*					

**1** Title & Purpose**2** Definitions**3** General Provisions**4** District Regulations**5** Site Plan Review & Plot Plans**6** Special Land Use Review**7** Supplemental Regulations**8** Zoning Board of Appeals**9** Administration & Enforcement**10** Adoption & Amendments

**Table of Permitted Uses & Special Land Uses**

\*supplemental development regulations

P = Permitted by right    S = Permitted with a Special Use Permit	WR	R-1	R-2	R-3	OS	B-1	B-2	B-3	A	FR	C	M-1	M-2
<b>Arts, Entertainment &amp; Recreation (continued)</b>													
RV (Travel Trailer) Parks - §702	S*			S*					S*	S*	S*		
RV (Travel Trailer) Condominium Areas - §711	S*			S*					S	S	S		
Skating Rinks, ice or non-ice (indoor)								P					
Sportsmen's Association/Firearms Ranges/Archery Ranges (outdoor)									S				
Theaters/Performing Arts Facilities/Assembly Halls (completed enclosed bldg.)							P	P					
Theaters (Drive-In) - §704							P*					P*	P*
Tours (Commercial Operations) (For ground and water passenger tours, see Transportation, Storage & Wholesale)						S	S	S	S				
Wildlife Preserves, Zoos, & Animal Tours									P	P	P		
<b>Commercial, Services &amp; Retail</b>													
Agricultural Sales & Service							P	P				P	
Antique Stores				S		P	P	P					
Auto Body/Paint/Interior & Glass; Auto Repair; Oil Change; Tire Sales - §721							S*						
Automotive Accessory Sales							P	P					
Automotive Equipment Rental/Leasing							S						
Automotive Services (when part of a planned shopping center) - §727								S*					
Automobile Towing Businesses							S						
Bait & Tackle Shops				S			P	P					
Boat Sales & Repair	S			S			P						
Boat/RV/Recreational Equipment Repair & Storage							S					P	
Building & Garden Equipment & Supplies Dealers							P	P					
Business Incubator (Food Incubator listed under Manufacturing)					P		P	P				P	P
Car Washes (completely enclosed bldg.) - §708							P*	P*					
Cash Advance Stores							P	P					

Table of Permitted Uses & Special Land Uses <span style="float: right;">*supplemental development regulations</span>														
P = Permitted by right    S = Permitted with a Special Use Permit		WR	R-1	R-2	R-3	OS	B-1	B-2	B-3	A	FR	C	M-1	M-2
<b>Commercial, Services &amp; Retail (continued)</b>														
Clothing, Clothing Accessory & Shoe Stores (including shoe repair)							P	P	P					
Commercial/Industrial Equipment Rental & Leasing								S					P	
Commercial Equipment Repair & Maintenance								S					P	
Convenience Stores					S			P	P					
Crematoriums														P
Data Processing & Computer Centers including the servicing & maintenance of electronic data processing equipment						P		P	P					
Dry Cleaning & Laundry Services							S	S	S					
Dry Goods & Notions Retail							P	P	P					
Electronic & Precision Equipment Repair & Maintenance								P	P					
Electronics & Appliance Stores								P	P					
Extermination & Pest Control Services								P					P	
Farm & Feed Supply Stores								P	P					
Film Production Facilities including sound stages and other related activities								P	P				P	
Financial Institutions						P	P	P	P					
Firearms Dealers								P	P					
Flea Market								P						
Florists					S		P	P	P					
Food & Beverage Stores					S		P	P	P					
Funeral Homes & Mortuaries					S	P	P	P	P					
Furniture & Home Furnishings Stores/Fixtures Stores					S			P	P					
Furniture Refinishing (Upholsterers)/Furniture Repair					S			P	P					

Table of Permitted Uses & Special Land Uses							*supplemental development regulations													
P = Permitted by right    S = Permitted with a Special Use Permit							WR	R-1	R-2	R-3	OS	B-1	B-2	B-3	A	FR	C	M-1	M-2	
Commercial, Services & Retail (continued)																				
Gas Stations - §721												S*	S*							
General Merchandise Stores/General Retail													P	P						
General Rental Centers													P	P						
Gift Shops										S		P	P	P						
Hardware Stores												P	P	P						
Health & Personal Care Stores										S		P	P	P						
Health Spa										S		P	P	P						
Home Improvement Centers - §724													S*							
Interior Designers/Showrooms											P	P	P	P						
Locksmiths												P	P	P						
Lumber Yards (pre-planed, finished lumber)/Building Material Sales - §724													S*							
Manufactured Home Dealers													S							
Medical Equipment Sales											P		P	P						
Medical Laboratories											P		P	P						
Movie Rental Stores													P	P						
Office Developments											P		P	P					P	
Office Supply Stores													P	P						
Outdoor Sales/Rental of used automobiles, trucks, motorcycles, ATVs, marine craft, farm implements, contractor's equipment, recreational equipment - §722													S*							
Panning for Gold/Other Minerals (business operation)												S	S	S	S					
Pawn Shops													S							
Personal Services (beauty shops, tailoring, massage therapy)										S	P	P	P	P						
Pet & Pet Care Stores (except Veterinary & Animal Shelters)													P	P						
Pharmacies/Medical & Optical Supplies												P	P	P						

Table of Permitted Uses & Special Land Uses regulations						*supplemental development												
P = Permitted by right    S = Permitted with a Special Use Permit						WR	R-1	R-2	R-3	OS	B-1	B-2	B-3	A	FR	C	M-1	M-2
Commercial, Services & Retail (continued)																		
Photofinishing/Photographers					P	P	P	P										
Printing/Binding/Publishing of Print Material						S	P	P									P	
Professional Cleaning Services							P											
Professional Offices				S	P	P	P	P										
Recording Studios							P	P									P	
Resale Shops/Thrift Shops							P	P										
Sexually Oriented Businesses - §736							S*											
Shopping Center – Multiple Businesses							P	P										
Small Engine Repair							P											
Small-Scale Craft Making				S			P	P										
Sporting Goods, Hobby, Book & Music Stores				S		P	P	P										
Studios for dance, physical exercise and music				S		P	P	P										
Taxidermy Shops							P											
Communications																		
Antenna towers and masts (residential accessory use)	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S
Small Cell Wireless Facilities - §730	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*
Television/Radio Broadcasting Stations (with tower)							S	S										
Wireless Communications Support Structures (cell towers) - §730	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*
Construction & Contractors																		
Special Trade Contractors Offices & Showrooms – no outdoor storage - §725					P		P*	P									P	P
Special trade contractors Offices & Showrooms w/ outdoor storage of materials & equipment (electrical, plumbing, heating, excavation, well-drilling, etc)							S										P	P

Table of Permitted Uses & Special Land Uses <span style="float: right;">*supplemental development regulations</span>													
P = Permitted by right    S = Permitted with a Special Use Permit													
	WR	R-1	R-2	R-3	OS	B-1	B-2	B-3	A	FR	C	M-1	M-2
<b>Educational Services &amp; Religion</b>													
Colleges/Universities/Institutions of Higher/Specialized Learning (i.e. business sch.) - §715				S*	P		P	P	P	P			
Public, Charter or Private Schools (elementary through high school)		P	P	P									
Religious Institutions & Customary Accessory Uses - §713		S*	P*	P*		P	P	P	P	P			
Trade Schools							P	P				P	
<b>Human Care &amp; Social Assistance</b>													
Adult Day Care Facility (6 or less adults) – in home		P	P	P					P	P			
Adult Day Care Facility (greater than 6 adults) – In home		S	S	S					S	S			
Adult Day Care Facility – NOT In home						P	P	P					
Adult Foster Care Family Homes (6 or less adults)	P	P	P	P					P	P	P		
Adult Foster Care Small Group Home (7-12 adults)	S	S	S	S					S	S	S		
Adult Foster Care Large Group Home (13-20 adults)		S	S	S					S	S	S		
Adult Foster Care Congregate Facilities (over 20 adults)				S									
Assisted Living Home/Nursing Home/Convalescent Home				S	S		S						
Child Care Home, Family (6 or less)	P	P	P	P					P	P	P		
Child Care Home, Group (7 -12)	S	S	S	S					S	S	S		
Child Care Center/Nursery School (not in home)		S	S	S	P								
Child Caring Institution				S	S		S						
Correctional Facilities (private)								S				S	S
Health Care/Dental/Optical Clinics/Medical Laboratories					P	P	P						
Hospitals - §719				S*	S		S						
Residential Human Care & Treatment Facility (not in private residence) ex: Homeless Shelter							S						
Rehabilitation Centers (24-hour residential facilities) - not drug rehab or detention facility						P	P	P					
State-Licensed Residential Facilities (Adult Foster Care 6 or less)	P	P	P	P					P	P	P		

Table of Permitted Uses & Special Land Uses							*supplemental development regulations							
P = Permitted by right    S = Permitted with a Special Use Permit		WR	R-1	R-2	R-3	OS	B-1	B-2	B-3	A	FR	C	M-1	M-2
Manufacturing, Mining & Waste Management														
<b>Manufacturing, Light</b> – including the production, processing, cleaning, testing, and distribution of materials, goods, foodstuffs, and products.  Light Manufacturing are those facilities in which the modes of operation of the facility have no external effects and do not directly affect nearby development. External effects shall include but are not limited to air contaminants, blown material, odor, noise, glare, gasses, electrical disturbance, heat, and vibration.  In the B-2 District, the above “Light Manufacturing” use shall only be permitted on lots which are zoned B-2 and located from south of Grant Street to South Partridge Point Road (east of the railroad):								S	S				P	P
<b>Manufacturing, Heavy</b> – including the production, processing, cleaning, testing, and distribution of materials, goods, foodstuffs, and products.  Heavy Manufacturing are those facilities in which the modes of operation of the facility do have external effects and may directly affect nearby development. External effects shall include but are not limited to air contaminants, blown material, odor, noise, glare, gasses, electrical disturbance, heat, and vibration.													S	P
Accessory Uses incidental to Manufacturing (offices, foods services, caretaker buildings)													P	P
Bakeries (not direct to customer)													P	P
Blast Furnace, Steel Furnace, Blooming or Rolling Mill													P	P
Central Dry Cleaning Plants & Laundries (not dealing directly with customers)													P	P
Cold Storage Plants													P	P
Dimension and Pattern Shops													P	P
Fertilizer, Liquid Nitrogen, & Anhydrous Ammonia Handling													P	P
Food & Beverage Bottling & Packing								P					P	P
Food Hub Facility/Food Incubator Facility													P	P
Gas & Oil Processing Facilities/Refinery													P	P
Incinerator Plant (non-pyrolysis)													P	P
Incinerator Plant (pyrolysis type)/Gasification													P	P



Table of Permitted Uses & Special Land Uses													
<i>*supplemental development regulations</i>													
P = Permitted by right    S = Permitted with a Special Use Permit	WR	R-1	R-2	R-3	OS	B-1	B-2	B-3	A	FR	C	M-1	M-2
<b>Manufacturing , Mining &amp; Waste Management (continued)</b>													
Industrial Parks (planned)												P	P
Junkyards/salvage yards/scrap yards/motor vehicle impoundment and wrecking yards - §728												S*	S*
Laboratories for research and testing excluding explosive or radioactive materials												P	P
Machine Shops												P	P
Meat Packing Plants												P	P
Metal Plating/Buffing/Polishing/Cutting/Slitting/Shearing - §729												S*	P*
Mineral and Ore Processing Facilities & Operations (with attendant waste disposal and tailings area)												P	P
Mining (incl sand, gravel, rock and mineral extraction) - §733	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*
Offices related to Industrial Operations												P	P
Painting, Varnishing and Undercoating Shops - §729												S*	P*
Petroleum Products, Gas Products, Paint & Chemical Bulk Storage & Distribution - §729												S*	P*
Petroleum Refinery												S	P
Portable and temporary hot and cold mix asphalt plants, ready-mix concrete plants, and similar uses												P	P
Printing, Lithographic & Blueprinting												P	P
Recycling facilities/Resource Recovery Facilities/Transfer Stations/Waste Collection												P	P
Research/Design/Experimental Product Development (within a completely enclosed building)												P	P
Sign Painting												P	P
Smelting Industries												P	P
Tin Shops or Plumbing Supply Shops												P	P
Tool & Die Shops												P	P

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Miscellaneous																		
Accessory Buildings & Uses - §305	PS*	PS*	PS*	PS*	P*	P*	P*	P*	PS*	PS*	PS*	P*	P*					
Cemeteries including Columbaria and Mausoleums - §716	S*	S*	S*	S*					S*	S*								
Mixed Uses (Nonresidential/Residential in one building or on one lot – both uses are primary to the property)					S	S	S	S										
Planned Unit Developments - §738	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*					
Ponds greater than 500 sq ft or greater than 2.5 ft deep	S	S	S	S														
Site Condominium Development - §739	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*					
Public Facilities																		
Community Centers & Recreation Centers (public)					P	P	P	P										
Government Offices					P	P	P	P										
Libraries - §714		S*	S*	P*	P	P	P	P										
Police/Fire Stations/Jails					P	P	P	P										
Post Office					P	P	P	P										
Public Works Facilities (i.e. road commission garage)												P	P					
Water & Wastewater Treatment Plants												P	P					

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	WR	R-1	R-2	R-3	OS	B-1	B-2	B-3	A	FR	C	M-1	M-2
<b>Residential Uses</b>													
Accessory Dwelling Units/Guest Houses - §737	S*	S*	S*	S*					S*	S*	S*		
Cottage Industries - §718	S*	S*	S*	S*					S*	S*	S*		
Dwelling Units above/to the rear of a Commercial Establishment (commercial is primary use of the property)						P	P	P					
Home Occupations - §718	P*	P*	P*	P*					P*	P*	P*		
Manufactured Housing Community				S									
Multiple-Family Dwelling Units (apartments) - §710	S*			S*									
Senior Housing				S									
Single-Family Attached Dwelling (townhouses; condominiums)	P	P	P	P					P	P	P		
Single-Family Detached Dwelling	P	P	P	P					P	P	P		
Tiny Homes as Principal Dwelling (less than the minimum dwelling unit size. No smaller than 250 sq ft) - §740	S*	S*	S*	S*					S*	S*	S*		
Two-Family Dwelling (duplex) - §710	P*	P	P	P*					P	P	P		
<b>Transportation, Storage &amp; Wholesale</b>													
Airports, Aviation Support Services, Heliports & Landing Fields - §701										S*			
Automobile, Tractor & Trucking Facilities (including storage/repair)												P	P
Charter Boat Operations/Passenger Boat Ferries	Special Use on waterfront property												
Couriers/Parcel Packing/Shipping/Delivery Establishments/Mail Order Establishments							P					P	P
Drone (Unmanned Aerial) Centers												P	P
Freight Terminals												P	P
Marinas, Port and Dock Facilities - §711	Special Use on waterfront property*												
Railroad uses (not incl switching yards, storage yards, storage buildings, and freight yards)												P	P
Self-Storage Facilities							P					P	P
Towing Businesses							P					P	P
Transportation, Ground Passenger							P					P	P
Truck Washes - §708												P*	P*

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P = Permitted by right    S = Permitted with a Special Use Permit		WR	R-1	R-2	R-3	OS	B-1	B-2	B-3	A	FR	C	M-1	M-2
Transportation, Storage & Wholesale (continued)														
Warehousing & Storage									S				P	P
Wholesale Businesses (except livestock) – w/in completely enclosed bldg. - §723								P*	S*				P	P
Wholesale Businesses combined with Retail (conducted entirely w/in bldg)													P	P
Utilities & Energy														
Heating & Electric Power Generating Plants													P	P
Hydroelectric Facilities (dams, substations, transmission lines)	Special Use on waterfront property													
Propane Distributor/Propane Supply Facilities								P					P	P
Public Utility Facilities (with storage yards)								P					P	P
Public Utility Offices (not including storage yards)					P			P						
Solar Energy Facility (Utility-Scale) - §732					S*	S*	S*	S*	S*	S*			S*	S*
Solar Energy Panels (as Accessory Use) - §732	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*		P*	P*
Utility Exchanges; Transformer Stations & Substations; Pump Stations & Service Yards								S					P	P
Wind Turbine Generators and Anemometer Towers (utility grid or commercial) - §731					S*	S*	S*	S*	S*	S*	S*		S*	S*
Wind Turbine Generators (on-site or private) - §731	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*		S*	S*

## Section 417 Schedule of Regulations

Use Districts	Minimum Size of Lot (n)		Maximum Height of Structure		Minimum Yard Setback (per Lot in Ft.) (m)			Max. % of Lot Coverage (Area of all Buildings)	Min. Floor Area in Sq. Ft.(a)	Min. Width of Dwelling Unit in Ft.	Footnotes	
					Front (o)	Sides						Rear
	Area	Width in Ft.	In Stories	In Ft.		Least One	Total of Two					
C Conservation	5 acres	300	2	30	25	20	40	35	----	600	----	f, m, n
FR Forest Recreation	40,000 sq ft	150	2	30	25	20	40	35	35%	600	----	f, m, n
A Agriculture	40,000 sq ft	150	2	30	25	20	40	35	----	600	----	f, m, n
WR Waterfront Residential	15,000 sq ft	100	2	30	25	5	15	25	35%	960	24	c, d, f, m, n, p
R-1 One- Family Residential	20,000 sq ft	100	2	30	25	5	15	25	35%	960	24	b, c, d, f, m, n, p
R-2 Rural Residential	20,000 sq ft	100	2	30	25	5	15	25	35%	600	12	b, c, d, f, m, n, p
R-3 Mixed Residential	15,000 sq ft	100	2	30	25	5	15	25	35%	600	12	b, c, d, e, f, m, n, p
OS Office Service	----	(o)	4	45	25	5	10	20	----	----	----	f, g, h, i, l, m, n, o
B-1 Restricted Business	----	(o)	2	30	25	5	10	20	----	----	----	f, g, h, i, l, m, n, o
B-2 General Business	----	(o)	4	45	20	5	10	20	----	----	----	f, g, h, i, l, m, n, o
B-3 Community Business	----	(o)	4	45	75	10	50 (j,k)	20	----	----	----	i, j, k, l, m, n, o
M-1 Light Manufacturing	----	(o)	4	45	30	10	20	20	----	----	----	f, i, j, k, l, m, n, o
M-2 Mixed Manufacturing	----	(o)	----	----	50 (f,i,m)	20 (g,j,k)	40 (j,k)	40 (j,k)	----	----	----	f, i, j, k, m, n, o

## Notes to Article 417--Schedule of Regulations:

- a. Minimum floor area requirements shall not include area of basements, utility rooms, breezeways, porches, or attached garages. In residential districts, tiny homes (homes which are less than the minimum dwelling unit size) as the principal dwelling on a property require a Special Land Use approval.
- b. If central water and central sewage facilities serve the development, the minimum lot requirements may be reduced to ninety-six hundred (9,600) square feet, eighty by one hundred twenty (80' x 120'), in R-1 and R-3 Districts.
- c. **Side Yard Setback.** The side yard abutting upon a street shall not be less than ten (10) feet, when there is a common rear yard. In the case of a rear yard abutting a side yard of an adjacent lot the side yard abutting a street shall not be less than the required front yard of that district.
- d. **Lots with Multiple Dwellings.** For the purpose of said yard regulations, multiple dwellings shall be considered as one (1) building occupying one (1) lot.
- e. **Multiple-Family Dwellings.** Multiple-family dwellings may be erected on a minimum lot size of ninety-six hundred (9,600) square feet, provided that approved water and sewage facilities for all normal domestic uses serve the development. The following minimum lot sizes and floor areas shall be met:

Bedroom Unit*	Minimum Lot Area Per Unit with Public Water & Sewage Facilities	Minimum Floor Area per Unit
Efficiency Apartment	1,750 sq. ft.	250 sq. ft. to a maximum of 350 sq. ft.
1 Bedroom	2,000 sq. ft.	450 sq. ft.
2 Bedroom	2,500 sq. ft.	550 sq. ft.
3 Bedroom	3,000 sq. ft.	650 sq. ft.

\* A den or extra room shall count the same as a bedroom in multiple dwellings.

- f. **Setback Averaging.** Where the front yards of two (2) or more principal structures in any block in existence at the time of the passage of this Ordinance, within the district zoned, and on the same side of the street, are less than the minimum front yard indicated above, then any building subsequently erected on that side of the street shall not be less and need not be greater than the average depth of the front yards of said two (2) structures.
- g. **Modification of Interior Setbacks.** The Planning Commission may upon review of the proposed site plan, and after public hearing, modify interior setbacks, except as otherwise specified in an applicable building code. On the exterior side yard which borders on a residential district, there shall be provided a setback of not less than ten (10') feet on the side abutting the residential street.
- h. **Loading Space.** Loading space shall be provided in the rear yard in the ratio of at least ten (10') square feet per front foot of building and shall be computed separately from the off-street parking requirements. When an alley exists or is provided at the rear of buildings, the rear building setback and loading requirements may be computed from the center of said alley.
- i. **Parking.** Parking may be permitted in the front yard after approval of the parking plan layout and points of access by the Planning Commission. The setback shall be measured from the nearest side of existing and/or proposed right-of-way lines.
- j. **Setback from Residential District.** In the M-1 and M-2 Districts, no building shall be closer than forty (40') feet to the property line when said property line abuts any residential district. In the B-3 District, no building shall be closer than twenty (20') feet to property line when said property line abuts any residential district or residential use.
- k. **Modification of all Setbacks and Height.** The Planning Commission may, upon review of the proposed site plan and after public hearing, modify front, side and rear yard and height requirements upon a finding that (1) adequate ingress and egress for parking, loading and fire and police protection needs are met and (2) that any building code requirements relative to the relationships between buildings are met. On the exterior side yard which borders on a residential district, there shall be provided a setback of not less than ten (10') feet on the side abutting the residential street.
- l. **Modification of Height in a Planned Development.** Planned development involving three (3) acres or more under one (1) ownership shall be subject to the approval of the Planning Commission, after public hearing, regarding modifications with respect to height regulations.
- m. **Waterfront Setback.** For lots which border on a lake or a stream, the minimum structure setback on the waterfront side shall be twenty-five (25') feet from the ordinary high water mark.



- n. **Lot Size Ratio.** The length of the lot shall not exceed four (4) times the width.
- o. **Access Management.** For properties with frontage on U.S. 23 and M-32, refer to **Section 327 (Access Management)**.
- p. **Lot Coverage.** Single-Family Detached: 35%; All other uses: 50%. The Planning Commission shall have the authority to approve a greater percentage lot coverage for all uses.

Charter Township of



# Article 5

## Site Plan Review & Plot Plans

Sec	Name	Pg	Sec	Name	Pg
500	<a href="#">Purpose &amp; Approval Summary Table</a>	5-1	504	<a href="#">Site Plan Review Criteria</a>	5-7
501	<a href="#">Plot Plans</a>	5-2	505	<a href="#">Revocation</a>	5-8
502	<a href="#">Site Plan Review Procedures</a>	5-3	506	<a href="#">Site Plan Amendments</a>	5-9
503	<a href="#">Site Plan Data Required</a>	5-5	507	<a href="#">Expiration</a>	5-9

### Section 500 Purpose & Approval Summary Table

Plot Plans and site plans give the Zoning Administrator and Planning Commission an opportunity to review development proposals in a concise, consistent manner. The use of a plan insures that physical changes in the property meet with local approval and that building actually occurs as it was promised by the developer. The following table summarizes the type of document required and the approving body for different types of development.

**Table 500: Approval Summary Table**

Type of Use	Required	Approving Body
1. Single-Family Detached Dwellings, Two-Family Dwellings	Plot Plan	Reviewed & approved by ZA
2. Attached Single-Family Dwellings and Multiple-Family Dwellings Units	Site Plan	Reviewed & approved by PC
3. Home Occupations	Application	Reviewed & approved by ZA
4. Cottage Industries	*	Reviewed & approved by PC as a Special Land Use
5. Accessory Dwelling Units	Plot Plan	Reviewed & approved by PC as a Special Land Use
6. Dwelling Units in conjunction with Commercial Establishments	Site Plan	Reviewed & approved by PC
7. Special Land Uses	Site Plan	Reviewed & approved by PC - public hearing per §907
8. Parking Lots	Site Plan	Reviewed & approved by PC
9. Change of Use	Site Plan	ZA determines if PC review is needed based on structural changes, parking changes, & other information.
10. Accessory Structures for single- and two-Family Dwellings.		
11. Accessory Structures for all other buildings when the accessory structure is up to 25% of the ground floor area of the main building.	Plot Plan	Reviewed & approved by ZA
12. Accessory Structures for buildings (other than single- and two-family) when accessory structure is greater than 25% of the ground floor area of the main building.	Site Plan	Reviewed & approved by PC
13. Accessory building (residential in WR and R-1) which exceeds the ground floor area of the main building (up to 200%).		
	Site Plan	Reviewed & approved by PC as a Special Land Use
14. Accessory building (residential districts besides WR and R-1) which exceeds 200% of the main building ground floor area.		

1 Title &amp; Purpose

2 Definitions

3 General Provisions

4 District Regulations

5 Site Plan Review &amp; Plot Plans

6 Special Land Use Review

7 Supplemental Regulations

8 Zoning Board of Appeals

9 Administration &amp; Enforcement

10 Adoption &amp; Amendments

15. Fences	----	Reviewed by ZA. No fence permit required.
16. Signs	Site Plan	Reviewed and approved by ZA
17. New Commercial, Industrial, Utility, & Institutional Structures/Uses.	Site Plan	Reviewed and approved by PC
18. Expansion or renovation of an existing use, other than single- and two-family dwellings, which increases the existing floor space more than 25%.	Site Plan	Reviewed and approved by PC
19. Planned Unit Developments & Site Condominium Projects	Site Plan	Reviewed/approved by PC - public hearing per §907.
20. Private Roads which serve more than one residence.	Site Plan	Reviewed and approved by PC
21. Water and Sewerage Facilities	Plot Plan	Reviewed and approved by ZA
22. Berms	Plot Plan	Reviewed and approved by ZA
23. Temporary Dwellings	Plot Plan	Reviewed and approved by ZA
24. Food Trucks	Plot Plan	Reviewed and approved by ZA
25. Seasonal Use Sales	Plot Plan	Reviewed and approved by ZA
PC = Planning Commission ZA = Zoning Administrator *ZA determines level of plan needed based on proposed use.		

## Section 501 Plot Plans

### A. Plot Plan Submittal Requirements.

The Zoning Administrator shall require that all applications for zoning approval shall be accompanied by plans and specifications including a plot plan, in triplicate, drawn to scale, showing the information listed below. The Zoning Administrator may waive any of the plot plan requirements listed below when he/she finds that those requirements are not applicable or necessary. Nothing in this Section shall be construed as to prohibit a property owner or his agent from preparing plans and specifications, provided the same are clear and legible and that the information listed below is provided.

Table 501: Plot Plan Requirements

1. Address/Contact	Address or legal or tax description of the property where the proposed use will occur. Name, address, and telephone number of the property owner(s), developer(s), and designer(s), and their interest in said properties including evidence of ownership.
2. Lot Lines	The shape, location, and dimensions of 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.
3. Structures	The shape, size, and location of all buildings or other structures to be erected, altered, or moved and of any building or other structures already on the lot drawn to scale.
4. Access	The location and configuration of the lot access and driveway, drawn to scale.
5. Use	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.
6. Natural Features	Natural features such as forests, water bodies, wetlands, high risk erosion areas, slopes over 10%, drainage, and other similar features, if determined by the Zoning Administrator to be applicable.
7. Other	Other information concerning the lot or adjoining lots that may be essential for determining whether the provisions of this Ordinance are being observed.

1 Title & Purpose	2 Definitions	3 General Provisions	4 District Regulations	5 Site Plan Review & Plot Plans
6 Special Land Use Review	7 Supplemental Regulations	8 Zoning Board of Appeals	9 Administration & Enforcement	10 Adoption & Amendments

**B. Plot Plan Administrative Procedure.**

Plot plans are reviewed and approved according to the approval chart in **Section 500** after an application has been submitted and applicable fees have been paid. The Zoning Administrator will issue zoning approval pursuant to **Section 902** after determination that the application and proposed activity are in compliance with all applicable sections of this Ordinance.

## **Section 502 Site Plan Review Procedures**

Site plans give the Planning Commission an opportunity to review development proposals in a concise, consistent manner. The use of a site plan insures that physical changes in the property meet with local approval and that building actually occurs as it was promised by the developer. Site Plan review by the Planning Commission shall be required for all uses listed as requiring a site plan review in **Table 500**.

**A. Site Plan Pre-Application Meeting.**

The Zoning Administrator alone or in conjunction with the Planning Commission Chair and/or members of the 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 Planned Unit Developments, this conference is not mandatory but is recommended for small and large projects alike. For large projects, a pre-application meeting should be held several months in advance of the desired start of construction. Such an advance meeting will allow the applicant/developer time to prepare the needed information for the Planning Commission to make a proper review.

**B. Submittal Procedures.**

Ten (10) copies of the proposed site plan containing the data listed in **Section 503**, including all required additional or related information, shall be presented to the Zoning Administrator's Office by the petitioner or property owner or his designated agent at least ten (10) days prior to the Planning Commission meeting where the site plan will be considered. A digital copy of the site plan and proper form of identification (i.e. driver's license or State I.D. card) shall be required.

**C. Fees.**

Application fees pursuant to currently adopted fee schedule and **Section 904** shall be paid when the site plan is submitted.

**D. Review for Completeness by the Zoning Administrator.**

<b>1</b> Title & Purpose	<b>2</b> Definitions	<b>3</b> General Provisions	<b>4</b> District Regulations	<b>5</b> Site Plan Review & Plot Plans
<b>6</b> Special Land Use Review	<b>7</b> Supplemental Regulations	<b>8</b> Zoning Board of Appeals	<b>9</b> Administration & Enforcement	<b>10</b> Adoption & Amendments

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. Once the submitted materials are deemed by the Zoning Administrator to be complete, the Zoning Administrator shall cause the submittal to be placed on the agenda of the next regular Planning Commission meeting. If the site plan is being submitted as part of a Special Land Use, notice of said meeting shall be in conformance with **Section 907** and the procedures of **Article 6** shall be followed.

#### E. Coordination with Other Agencies/Departments.

The Zoning Administrator may distribute the site plan to the following for comment or recommendation prior to consideration for approval:

1. The Alpena County Soil Erosion and Sedimentation Control Officer.
2. The Alpena County Drain Commissioner.
3. The Alpena County Road Commission and, if appropriate, the Michigan Department of Transportation.
4. District Health Department.
5. Local police, fire, and ambulance service providers.
6. Planning consultant.
7. Other agencies or consultants as deemed appropriate.

#### F. Site Plans Requiring ZBA Action.

Where the applicant is dependent upon the granting of any variances by the Zoning Board of Appeals, said approval from the ZBA shall be obtained prior to site plan approval by the Planning Commission.

#### G. Representation at Meeting.

If the applicant fails to provide representation, the review may be tabled until the next scheduled Planning Commission meeting or may be acted upon without the applicant's input.

#### H. Planning Commission Action.

1. **Decision.** The Planning Commission shall have the responsibility and authorization to approve, disapprove, or approve with modifications the Site Plan in accordance with the requirements of the zoning district in which the proposed use is located, the criteria listed in **Section 505**, and any applicable standards contained in **Article 7 (Supplemental Regulations)**. If the site plan is disapproved by the Planning Commission, notification of such disapproval shall be given to the applicant within ten (10) days after such Commission action by the Zoning Administrator.

2. **Findings of Fact.** The decision of the Planning Commission shall be incorporated into a written statement of findings and conclusions relative to the site plan which specifies the basis for the decision and any condition(s) imposed.
3. **Conditions.** Any conditions or modifications desired by the Planning Commission shall be recorded in the minutes of the appropriate Planning Commission meeting.
4. **Signed Copies.** When approved, at least two (2) copies of the final approved site plan shall be signed and dated by the Chair of the Planning Commission and the petitioner. One (1) of these two (2) approved copies shall be kept on file by the Township Zoning Administrator and the other approved copy shall be returned to the petitioner or his designated representative. Any changes deemed necessary, after final approval, are subject to **Section 506**.
5. **Performance Guarantee.** The applicant may be required to post performance guarantees to insure completion of improvements associated with the project as per **Section 905**.

## Section 503 Site Plan Data Required

Each site plan submitted shall contain the following information, unless specifically waived, in whole or in part, by the Zoning Administrator or Planning Commission.

**Table 503: Site Plan Requirements**

### A. General Information

1. Name and address of property owner and developer (including contact information).
2. Name and address of firm preparing the site plan (including contact information).
3. The existing zoning district in which the site is located and the zoning of adjacent parcels. In the case of a request for a zoning change, the classification of the proposed new district must be shown.
4. A locational sketch of the proposed use or structure.
5. Gross acreage of development and total usable floor area.
6. 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.

### B. Map Information

1. Date, north arrow.
2. Scale at least 1" = 50' for property less than 3 acres and at least 1" = 100' for property 3 or more acres.
3. A vicinity map shall be submitted showing the location of the site in relation to the surrounding street system, adjacent properties and their uses.

### C. Lot Lines & Right of Way

1. Existing and proposed boundary lines of the property to include all dimensions and legal description.
2. The location and width of all abutting right-of-ways.

#### D. Development Features

1. **Proposed Features.** The location of all existing and proposed structures on the site, including common use areas and recreational areas and facilities.
2. **Nearby Structures.** The location and identification of all existing structures within a two hundred (200') foot radius of the site.
3. **Vehicular and Pedestrian Circulation.** The proposed streets, driveways, sidewalks, and other vehicular and pedestrian circulation features within and adjacent to the site.
4. **Parking.** The location, size, and number of parking spaces in the off-street parking area, and the identification of service lanes.
5. **Loading and Unloading Areas.** The proposed location and size of all loading and unloading areas.
6. **Landscaping.** The location of all existing and proposed landscaping as well as all existing and proposed fences or walls.
7. **Waste.** The location of all storage and disposal facilities including location of dumpsters.
8. **Lighting and Signs.** The location of all proposed exterior lighting and signs, including size and type.
9. **Hazardous Materials.** Information on the storage and use of hazardous materials and the disposal of hazardous waste.
10. **Density.** Site plans for residential developments shall include a density schedule showing the number of dwelling units per net acre, unit type, unit size, and number of each unit type.
11. **Storage.** Outdoor storage areas and snow storage areas.
12. **Utilities.** The type, location and size of all existing and proposed utilities.
13. **Drainage.** The location, size and slope of all surface and subsurface drainage facilities.

#### E. Natural Features

1. The location of existing environmental features, such as streams, wetlands, shorelands, mature specimen trees, wooded areas or any other unusual environmental features.
2. 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 (10%) percent or greater, contours shall be shown at intervals of two (2) feet or less.

#### F. Cross-Sections/Floor Plans/Density

1. Summary tables, cross-sections, and/or floor plans should be included with site plans for proposed structures, giving the following information:
  - a. The number of units proposed, by type, including a typical floor plan for each type of unit.
  - b. The area of the proposed units in square feet, as well as area dimensions of driveways/staging areas.
  - c. Typical elevation drawings of the front and rear of each building.
  - d. Residential density schedule showing the number of dwelling units per net acre, unit type, unit size, and number of each unit type.

#### G. Other

Other information as may be required by the Zoning Administrator or Planning Commission to assist in the consideration of the proposed development.



**Section 505 Site Plan Review Criteria****A. Site Plan Review Criteria.**

In reviewing the site plan, the Planning Commission shall ascertain whether the proposed site plan is consistent with all regulations of this Ordinance. Further, in consideration of each site plan, the Planning Commission shall find that provisions of the zoning district in which said buildings, structures, and uses as indicated in the proposed site plan have been satisfactorily demonstrated and met by the applicant. In addition, each site plan shall conform to 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.

1. **Ingress/Egress.** The location and design of driveways providing vehicular ingress to and egress from the site, in relation to streets giving access to the site and in relation to pedestrian traffic, shall be safe and efficient. Where possible, shared commercial access drives shall be encouraged.
2. **Circulation.** The traffic and pedestrian circulation features within the site and location of automobile parking areas shall be safe and efficient.
  - a. Safety and convenience of both vehicular and pedestrian traffic both within the site and in relation to access streets shall be assured.
  - b. Satisfactory and harmonious relationships between the development on the site and the existing and prospective development of contiguous land and adjacent neighborhoods shall be assured.
  - c. Vehicular and pedestrian circulation shall be well defined.
  - d. The Planning Commission shall evaluate the circulation and parking features as required by the **Americans with Disabilities Act** and **Section 325 (C)** of this Ordinance.
3. **Utilities and Drainage.** The sewage disposal facilities, water supply, stormwater drainage, fire protection, and other utility provisions shall be safe and adequate.
4. **Adjacent Uses.**
  - a. The location, use and the nature of the operation shall not be in conflict with the primary permitted uses of the District or neighborhood.
  - b. The use shall not be objectionable to adjacent and nearby properties by reason of traffic, noise, vibration, dust, fumes, odor, fire-hazard, glare, flashing lights, disposal of waste or sewage, erosion, pollution, or negative effects upon significant environmental features.

- c. The use shall not discourage or hinder the appropriate development and use of adjacent premises and neighborhood.
- 5. **Emergency Vehicle Access.** All buildings or groups of buildings shall be so arranged as to permit emergency vehicle access.
- 6. **Preservation of Natural Landscape.** The natural landscape shall be preserved in its natural state, insofar as practical, by minimizing tree and soil removal, and by topographic modifications which result in maximum harmony with adjacent areas.
- 7. **Snow Storage.** Adequate snow handling measures shall be planned for and proper snow storage areas shall be provided.
- 8. **Landscaping.** Landscaping, including grass, trees, shrubs, and other vegetation, is provided to maintain and improve the aesthetic quality of the site and area.
- 9. **Outside Storage.** Outside storage areas, including areas for storage of trash which face or are visible from residential districts or use or the public right-of-way, shall be screened.

#### B. **Conformity to Site Plan Required.**

Following approval of a site plan by the Planning Commission, the applicant shall construct the site improvements in complete conformity with the approved site plan and conditions imposed.

## Section 505 Revocation

#### A. **Revocation.**

When the construction of a building or creation of a use is found to be in nonconformance with the approved site plan, the Zoning Administrator may revoke the plot plan or site plan approval by giving the owner evidence in writing of such action, which becomes effective ten (10) days following the original notice of such impending action being properly communicated to the owner. The owner may remedy the violation during this ten (10) day period, at which time they shall so notify the Zoning Administrator who may then, by official action, defer revocation.

#### B. **Appeal of Revocation.**

The decision of the Zoning Administrator may be appealed by the owner to the Zoning Board of Appeals upon written request by the owner for such a hearing. Such requests must be made within sixty (60) days of the notice to the owner of such revocation action.

## Section 506 Site Plan Amendments

An approved Site Plan may be submitted for minor amendment to the Zoning Administrator for review and signature by the Planning Commission Chair. If, in the judgment of either the Zoning Administrator or the Planning Commission Chair, the Site Plan amendment is major, the provisions of **Section 502** Site Plan Review Procedures shall be followed. Installing more than three thousand (3,000) square feet of impervious paving shall require a site plan amendment to review storm water management unless the paving was included in a previously approved site plan.

## Section 507 Expiration

Site plan approval shall expire if the authorized work is not commenced within twenty-four (24) months after approval, if work is suspended or abandoned for a period of twelve (12) months after the work is commenced, or if conditions of site plan approval are not adhered to within six (6) months after approval. An extension of site plan approval may be granted at the discretion of the Zoning Administrator.

Charter Township of



# Article 6

## Special Land Use Review

Sec	Name	Pg
600	Purpose	6-1
601	Special Land Use Review Procedures	6-1
602	Special Land Use Approval Standards	6-3
603	Special Land Use Appeal	6-4
604	Expiration, Abandonment & Revocation of a Special Land Use	6-4
605	Special Land Use & Transfer or Sale of Property	6-5
606	Amendments to an Approved Special Land Use	6-6

### Section 600 Purpose

Special Land Uses are those uses which are generally compatible with uses permitted in a zoning district but which possess characteristics or qualities requiring individual review to insure compatibility with the character of the surrounding area, with available public services and facilities, and with adjacent land uses. The intent of this Article is to establish equitable procedures and criteria to be applied in approving or disapproving requests for Special Land Uses.

### Section 601 Special Land Use Review Procedures

The following steps shall be taken by the applicant, Zoning Administrator and the Planning Commission when considering a proposed Special Land Use:

#### A. Application Submittal.

1. **Pre-Application Meeting.** A pre-application meeting pursuant to **Section 502.A** may be requested by the applicant.
2. **Number of Copies and Timing.** All applications for Special Land Uses shall be filed with the Zoning Administrator and shall include the required site plan or plot plan, fee and any other pertinent information upon which the applicant intends to rely for approval. Ten (10) copies of the proposed site plan or plot plan containing the data listed in **Section 501** (for Plot Plans) or **Section 503** (for site plans), including all required additional or related information, shall be presented to the Zoning Administrator's Office by the petitioner or property owner or his designated agent at least twenty-one (21) days prior to the Planning Commission meeting where the site plan will be considered. A digital copy of the plot plan or site plan may be required.

1 Title & Purpose	2 Definitions	3 General Provisions	4 District Regulations	5 Site Plan Review & Plot Plans
6 Special Land Use Review	7 Supplemental Regulations	8 Zoning Board of Appeals	9 Administration & Enforcement	10 Adoption & Amendments

The Zoning Administrator may waive the requirement for a plot plan and site plan if he/she finds that the plot plan/site plan requirements are not applicable to the proposed Special Land Use.

3. **Fees.** Application fees pursuant to currently adopted fee schedule and **Section 904** shall be paid when the application is submitted.
4. **Review for Completeness.** The Zoning Administrator shall, after preliminary review for completeness pursuant to **Section 502.D**, forward the complete application to the Township Planning Commission for review.
5. **Coordination.** The Zoning Administrator may distribute the application materials to other agencies/departments pursuant to **Section 502.E**.
6. **Applications Requiring ZBA Action.** Where the applicant is dependent upon the granting of any variances by the Zoning Board of Appeals, the application may be approved contingent upon approval of the Zoning Board of Appeals.

#### B. Review Procedure.

1. **Notice Requirement.** Upon receipt of an application for a Special Land Use and accompanying required plot plan or site plan, notification of the Special Land Use request shall be given pursuant to **Section 907**. A public hearing may be held if requested by the applicant, the Planning Commission, or any property owner within three hundred (300') feet of the applicant property.
2. **Review.** The Township Planning Commission shall review the plot plan or site plan according to the requirements of the zoning district in which the proposed use is to be located, the standards set forth in **Section 602** and, if the use requires a site plan, **Section 504** and all other applicable requirements of this Ordinance.
3. **Representation at Meeting.** If the applicant fails to provide representation, the review may be tabled until the next scheduled Planning Commission meeting or may be acted upon without the applicant's input.
4. **Decision.** After review and, if requested, a hearing, the Planning Commission shall do one (1) of the following:
  - a. Approve the Special Land Use application and final plot plan or site plan, if a plot plan or site plan was required. The Zoning Administrator shall then be directed to allow the Special Land Use.
  - b. Approve the Special Land Use application and final plot plan or site plan subject to conditions which are imposed in order to insure the Special Land Use complies with standards stated in this Ordinance. The Zoning Administrator shall then be directed to allow the Special Land Use.

- c. Disapprove the Special Land Use application and final plot plan or site plan.
- 5. **Findings of Fact.** 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.
- 6. **Notification of Disapproval.** If the Special Land Use is disapproved by the Planning Commission, notification of such disapproval shall be given to the applicant within ten (10) days after such Commission action by the Zoning Administrator.
- 7. **Signed Copies.** When approved, at least two (2) copies of the final approved plot plan or site plan shall be signed and dated by the Chairman of the Planning Commission and the petitioner. One (1) of these two (2) approved copies shall be kept on file by the Township Zoning Administrator and the other approved copy shall be returned to the petitioner or his designated representative. Any changes deemed necessary, after final approval, are subject to **Section 506**.

## Section 602 Special Land Use Approval Standards

Special Land Uses shall be subject to the following special requirements, in addition to the requirements and standards of the Zoning District wherein located, applicable standards listed in **Article 7 (Supplemental Regulations)**, and, if a site plan is required, the standards listed in **Section 504**, in order to prevent conflict with or impairment of the principal permitted uses of the Zoning District.

### A. Adjacent Uses.

- 1. The use, location and size of use, and the nature and intensity of operations shall not be such as to disrupt the orderly and proper development of the district as a whole, or be in conflict with or discourage the principal permitted uses of adjacent or neighboring lands and buildings.
- 2. Special Land Uses shall not be more objectionable to nearby properties by reason of traffic, noise, vibrations, dust, fumes, smoke, glare, flashing lights, or disposal of waste than the operation of any principal permitted use. The Planning Commission may require screening or other conditions to mitigate factors related to the above listed effects.
- 3. The use shall not increase hazards from fire or other dangers to either the property or adjacent properties.
- 4. The Planning Commission may consider the potential impact on property values of nearby properties when determining the impact of a proposed Special Land Use on adjacent properties.

### B. Traffic and Access.

The use shall not increase traffic hazard or cause congestion on the public highways and streets of the area. Adequate access to the use shall be furnished by either existing roads and highways or proposed

<b>1</b> Title & Purpose	<b>2</b> Definitions	<b>3</b> General Provisions	<b>4</b> District Regulations	<b>5</b> Site Plan Review & Plot Plans
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roads and highways.

**C. Public Services.**

1. The water supply and sewage disposal system shall be adequate for the proposed use.
2. The use will be adequately served by essential public services and facilities or that the persons responsible for the establishment of the proposed use will adequately provide any such service or facility.
3. The use will not create excessive additional public costs and will not be detrimental to the economic welfare of the Township.

**D. Natural Resources.**

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. Natural features of the landscape, including but not limited to, ponds, streams, hills, and wooded areas, shall be retained where they afford a barrier or buffer from adjoining properties. The landscape shall be preserved in its natural state, as far as practical, by minimizing tree and soil removal, and any grade or slope changes shall be in keeping with the general appearances of the neighborhood.

**E. General.**

The use shall not impair the purpose and intent of this Ordinance.

## **Section 603 Special Land Use Appeal**

The decision of the Planning Commission may be appealed by the property owner or his or her designated agent to the Zoning Board of Appeals. Request for appeal may be made by written letter from the applicant to the Chairman of the Zoning Board of Appeals within thirty (30) days of disapproval, approval by modification, or revocation of the site plan and Special Land Use approval.

## **Section 604 Expiration, Abandonment & Revocation of a Special Land Use**

- A. Expiration of a Special Land Use.** At the time of Special Land Use approval, the Planning Commission shall set a time frame during which the Special Land Use shall be commenced. If the Special Land Use is not commenced within that approved time frame, then the Special Land Use approval shall be considered expired. The Special Land Use approval period may be extended at the discretion of the Zoning Administrator.

**B. Special Land Use that has been Replaced or Superseded.**

<b>1</b> Title & Purpose	<b>2</b> Definitions	<b>3</b> General Provisions	<b>4</b> District Regulations	<b>5</b> Site Plan Review & Plot Plans
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The Special Land Use shall expire if replaced or superseded by a subsequent permitted use (except in the case where the Special Land Use is an accessory use on the premises) or a subsequent Special Land Use or if the applicant requests the rescinding of the Special Land Use.

#### **C. Abandonment of Special Land Use.**

The Special Land Use shall expire if the Special Land Use has been abandoned for a period of one (1) year or more. When determining the intent of the property owner to abandon a Special Land Use, 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 Special Land Use have been removed.
4. Whether equipment or fixtures necessary for the operation of the Special Land Use have been removed.
5. Other information or actions that evidence an intention on the part of the property owner to abandon the Special Land Use.

#### **D. Revocation of a Special Land Use Approval.**

If the Zoning Administrator shall find that the conditions and stipulations of an approved Special Land Use are not being adhered to, the Planning Commission shall give notice to the applicant of its intent to revoke the prior approval given to the Special Land Use. Intent to revoke shall be made known to the applicant by a registered letter sent to the applicant and signed by the Chairman of the Planning Commission. Said letter shall be received by the applicant thirty (30) days prior to the stated date of revocation and shall contain the reasons for revoking the Special Land Use approval.

If the applicant notifies the Planning Commission within fifteen (15) days of the receipt of the above letter of his or her intent to rectify the violation, the Planning Commission, through official act, may defer the revocation.

## **Section 605 Special Land Use & Transfer or Sale of Property**

A Special Land Use does not expire on transfer or sale of the property unless the use has been determined by the Zoning Administrator to have been abandoned pursuant to **Section 604.C**.

<b>1</b> Title & Purpose	<b>2</b> Definitions	<b>3</b> General Provisions	<b>4</b> District Regulations	<b>5</b> Site Plan Review & Plot Plans
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**Section 606 Amendments to an Approved Special Land Use**

Minor amendments to a previously-approved Special Land Use may be approved by the Zoning Administrator with no public hearing or public hearing notice required. If, in the judgment of either the Zoning Administrator or the Planning Commission Chair, the amendment is major, the amendment shall be processed as a new Special Land Use. See **Section 506** for amendments to the Site Plan for a Special Land Use.

<b>1</b> Title & Purpose	<b>2</b> Definitions	<b>3</b> General Provisions	<b>4</b> District Regulations	<b>5</b> Site Plan Review & Plot Plans
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Charter Township of



# Article 7

## Supplemental Regulations

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702	Campgrounds/Travel Trailer Parks/Camps (Summer Camps)	7-2	724	Home Improvement Centers, Building Material Storage and Sales & Lumber Yards	7-13
703	Drive-In/Drive-Through Restaurants	7-2	725	Offices & Showrooms of Plumbers, Electricians, Decorator or Similar Trades	7-13
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706	Race Tracks (Including Auto, Midget Auto, Carting & Horse Tracks)	7-4	728	Junkyards	7-13
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### Section 700 Purpose

The uses listed in this Article shall be subject to the requirements of this Article along with provisions

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listed elsewhere in this Ordinance. All uses marked with an “\*” in **Section 416 (Full Table of Permitted and Special Land Uses)** are included in this Article.

## Section 701 Airports & Aircraft Landing Fields

- A. Privately owned and maintained non-commercial air craft 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 air craft landing strips shall be at least two-hundred fifty (250') feet from all other buildings not designed as accessory structures for said aircraft landing field. The ends of any landing strip shall further be one thousand (1,000') feet from any residential dwelling unit.
- C. All other air craft 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 702 Campgrounds/Travel Trailer Parks/Camps (Summer Camps)

- A. The term "lot" shall mean the entire camp, campground, or travel trailer park.
- B. Minimum lot size shall be ten (10) acres.
- C. The lot shall provide direct vehicular access to a public street or road.
- D. The minimum State of Michigan health requirements governing travel trailer courts and camping areas for public use shall be complied with.
- E. No person shall occupy any trailer, tent, or house car unit for more than six (6) months in any one (1) year.
- F. The use shall be effectively screened from public streets and thoroughfares.
- G. All campsites shall maintain a one hundred (100') foot setback from the perimeter of the lot.

## Section 703 Drive-In/Drive-Through Restaurants

- A. The main and accessory buildings shall be set back a minimum of forty (40') feet from any adjacent right-of-way line or residential property line.

- B. There shall be provided, on those sides abutting or adjacent to a residential district or use, a six (6') foot completely obscuring wall, fence, or landscape screen, measured from the surface of the ground on the abutting residential district or use.
- C. There shall be adequate stacking space for vehicles waiting in a drive-through lane. Stacking space shall not interfere with circulation in the parking lot or on a public street.

## Section 704 Drive-In (Outdoor) Theaters

Because outdoor theaters possess the unique characteristic of being used only after dark and since they develop a concentration of vehicular traffic in terms of ingress and egress from their parking area, they shall be permitted in B-2 Districts, M-1 Districts and M-2 Districts upon approval by the Planning Commission after a hearing. Outdoor theaters shall further be subject to the following conditions:

- A. The proposed internal design shall require approval from the Zoning Administrator as to adequacy of drainage, lighting, and other technical aspects.
- B. Points of ingress and egress shall be available to the outdoor theater from abutting major thoroughfares and shall not be available from any residential street.
- C. All vehicles, waiting or standing to enter the facility, shall be provided off-street waiting space. No vehicle shall be permitted to wait or stand within a dedicated right-of-way.
- D. The area shall be so laid out as to prevent the movie screen from being viewed from residential areas or adjacent major thoroughfares. All lighting used to illuminate the area shall be so installed as to be confined within and directed onto the premises of the outdoor theater site.

## Section 705 Kennels (Commercial)

- A. All commercial kennels shall be operated in conformance with County and State regulations.
- B. The minimum lot requirement for a commercial kennel shall be five (5) acres.
- C. Where the kennel is operated as an accessory use to a residence, the home occupation/cottage industry requirements of this Ordinance shall apply.
- D. Where the kennel is operated as the principal use of a property, it shall occur only in those districts where specifically listed.
- E. Outdoor animal enclosures shall be screened from adjacent properties and/or roads with a wall, opaque fence, or an evergreen buffer at least five (5') feet in height.

- F. The facility shall be so constructed and maintained that odor, dust, noise or drainage shall not constitute a nuisance or hazard to adjoining premises.
- G. If facility is located within five hundred (500') feet of the property line of a residential use or district, animals shall be kept in a soundproof building between the hours of 10 p.m. and 8 a.m. Outdoor enclosures shall be located at least one hundred (100') feet from the property line and at least five hundred (500') feet from any dwelling on adjacent premises.
- H. Fences for outdoor areas shall be a minimum of six (6') feet in height.

## Section 706 Race Tracks (Including Auto, Midget Auto, Carting & Horse Tracks)

Because race tracks develop a concentration of vehicular traffic in terms of ingress and egress from their parking area and cause noise levels which may project beyond the property so used, they shall be located abutting a major thoroughfare and shall be subject further to the following conditions and such other controls as the Planning Commission deems necessary to promote health, safety, and general welfare in the Township.

- A. All parking shall be provided as off-street parking within the boundaries of the development.
- B. All access to the parking areas shall be provided from major or secondary thoroughfares. Review and comment of ingress and egress points by the Zoning Administrator and proper police authority of the Township shall be required.
- C. All sides of the development not abutting a major thoroughfare shall be provided with a twenty (20') foot wide greenbelt planting and obscuring fence or wall so as to obscure from view all activities within the development pursuant to **Section 321**.

## Section 707 Soil, Clay, Gravel or Similar Materials; Removal; Filling

- A. From and after the effective date of this Ordinance, it shall be unlawful for any person, firm, corporation, partnership, or any other organization or entity to strip any topsoil, sand, clay, gravel, or similar material, or to use lands for filling within the area of the Township without first submitting a site plan and procuring approval thereof, from the Planning Commission.
- B. A separate site plan approval will not be required for excavation or fill activities associated with building construction pursuant to a duly issued building permit. However, where sand, gravel, topsoil, or other substances are removed from the site where found to another site, site plan approval is required for the receiving site.
- C. **Site Plan Application.**

A separate site plan shall be required for each separate excavation or fill site. In addition to the site

plan requirements listed in **Article 5**, a site plan prepared under this Section shall also include:

1. Names and addresses of parties interested in said premises setting forth their legal interest in said premises.
2. Full legal description of the premises wherein operations are proposed.
3. Detailed proposal as to method of operation, what type of machinery or equipment will be used, and estimated period of time that such operation will cover.
4. Detailed statement as to exactly what type of material is proposed to be extracted or deposited.
5. Proposed method of filling excavation and/or other means to be used to allow for the reclamation of lands to a usable purpose.
6. Such other information as may be reasonably required by the Planning Commission to base an opinion as to whether the site plan should be approved or not.

#### **D. Fencing.**

Where, in the opinion of the Planning Commission, there is a reasonable danger involved for persons and property, adequate fencing and other measures may be required to insure the health, safety, and general welfare of Township residents.

#### **E. Garbage and Waste.**

In any landfill operation, all materials deposited shall be adequately covered so as not to cause a nuisance. No site plan shall be approved for fill operations which involve the burning of materials or depositing of garbage, offal, and similar wastes capable of producing odors, vermin, and other nuisances.

#### **F. Fill Materials.**

Inert raw materials such as sand, gravel, and crushed stone are acceptable fill materials. Construction or demolition wastes (including concrete rubble) or organic materials (including yard wastes, stumps, or wood) shall not be used as fill material, unless such use is determined to be acceptable and appropriate fill for the site and use in question by a Michigan-licensed civil engineer, in a signed and sealed letter submitted with the required site plan.



## Section 708 Vehicle Wash Establishments

- A. Vacuuming activities may be carried out in a rear yard and at least fifty (50') feet distance from any adjoining residential use. In lieu of providing this requirement, a five (5') foot masonry wall shall be erected in a manner that will shield residential uses from undue noise pollution due to said vacuuming activities.
- B. The entrances and exits of the facility shall be from within the lot and not directly to or from an adjoining street or alley. A street or alley shall not be used as maneuvering or parking spaces for vehicles to be serviced by the subject facility.

## Section 709 Lodging

Lodging establishments shall not include a separate business unrelated to the lodging establishment unless approved during a site plan review by the Planning Commission.

### A. **WR and R-3 District – Motels, Cabin Courts and Tourist Lodging Facilities.**

- 1. Parking areas, entrance drives, and exits shall be so arranged as to provide maximum safety to traffic on public thoroughfares, uses on adjacent properties, and users of the premises.
- 2. No guest shall establish permanent residence at the motel.

### B. **FR District – Resorts, Resort Hotels, Vacation Lodges, Motels, and Other Tourist Lodging Facilities.**

- 1. Any use permitted herein shall be developed on sites no less than five (5) acres in area, and shall further be set back at least fifty (50') feet from any abutting street right-of-way.

### C. **B-1 District – Motels, Hotels, Cabin Courts, and Tourist Lodging Facilities.**

- 1. The use shall not be detrimental or cause any nuisances to surrounding districts and uses.
- 2. There shall be direct access onto a major thoroughfare or secondary thoroughfare.
- 3. The location shall be logical for attracting tourists or seasonal visitors passing through the Township.

**Section 710 Two-Family and Multiple-Family Dwellings****A. WR and R-3 District.**

1. Sight distances and traffic flow on adjacent streets shall not be impaired.
2. Soil condition, water supplies, and other property characteristics shall be proven to be capable of supporting a multiple-family-development.
3. **Lots with No Public Water and Sewerage.** When there are no public water or sewerage services, the minimum land requirements shall be as follows:
  - a. Lot frontage shall be two hundred (200') feet.
  - b. Lot area shall be according to the number of families with a minimum of fifty thousand (50,000) square feet for two (2) families plus ten thousand (10,000) square feet for each additional family.
4. **Lots with Public Water and Sewerage.** Multiple-family dwellings may be erected on a minimum lot size of ninety-six hundred (9,600) square feet, provided that approved water and sewage facilities for all normal domestic uses serve the development. The following minimum lot sizes and floor areas shall be met:

Bedroom Unit*	Minimum Lot Area Per Unit with Approved Water & Sewage Facilities	Minimum Floor Area per Unit
Efficiency	1,750 ft <sup>2</sup>	250 ft <sup>2</sup> to a maximum of 350 ft <sup>2</sup>
1 Bedroom	2,000 ft <sup>2</sup>	450 ft <sup>2</sup>
2 Bedroom	2,500 ft <sup>2</sup>	550 ft <sup>2</sup>
3 Bedroom	3,000 ft <sup>2</sup>	650 ft <sup>2</sup>

\* A den or extra room shall count the same as a bedroom in multiple dwellings.

5. All dwellings intended to house more than two (2) families shall obtain written approval from State, County, or Township health authorities, whichever had effective jurisdiction at the time a development is proposed.

**Section 711 Marinas, Boat Liveries, & RV Condominium Areas**

- A. **WR District.** The proposed development shall consist of at least five (5) acres.
- B. Off-street parking for autos and boat trailers shall be provided based on facility capacity.
- C. Sanitary facilities shall be provided on the site and shall also meet the requirements of State and local Health Departments.
- D. The Planning Commission shall require a greenbelt upon a site plan review if use is adjacent to residential use
- E. **R-3 District.** Any sales of groceries and convenience goods shall be accessory to marina use, and shall be limited to not more than twenty-five (25%) percent of the total building area devoted to marina purposes.
- F. **R-3 District.** Any restaurant facilities shall be accessory to marina use and shall be limited to not more than twenty-five (25%) percent of the total building area devoted to marina purposes.

**Section 712 Commercial Outdoor Recreation**

- A. Children's amusement parks must be fenced on all sides with a fence or wall not less than four (4') feet in height.
- B. Rebound tumbling facilities must be fenced on all sides used for trampoline activity. Said fence shall be no less than four (4') feet high. Pits shall not exceed four (4') feet in depth, shall be drained at all times and filled with earth to grade when the use is discontinued. All manufacturers' specifications for spacing, safety, and construction shall be complied with.

**Section 713 Religious Institutions (Churches)**

- A. **R-1, R-2, and R-3 Districts.**
  - 1. Ingress and egress from said site shall be directly onto a major or secondary thoroughfare.
  - 2. Wherever the parking plan is so laid out as to beam automobile headlights toward any residential land, an obscuring wall, fence, or landscape screen six (6') feet in height shall be provided along that entire side of the parking area.

**Section 714 Libraries****A. R-1, R-2, and R-3 Districts.**

1. Ingress and egress from said site shall be directly onto a major or secondary thoroughfare.
2. Wherever the parking plan is so laid out as to beam automobile headlights toward any residential land, an obscuring wall, fence, or landscape screen six (6') feet in height shall be provided along that entire side of the parking area.

**Section 715 Colleges, Universities & Institutions of Higher/Specialized Learning****A. R-3 District.**

Colleges, universities and other such institutions of higher learning, public and private, offering courses in general, technical, or religious education and not operated for profit, all subject to the following conditions:

1. All ingress and egress from said site shall be directly onto a major or secondary thoroughfare.

**Section 716 Cemeteries**

Cemeteries shall developed on site of ten (10) acres or more.

**Section 717 Golf Courses (not incl driving ranges & mini-golf)****A. R-1, R-2, and R-3 Districts.**

1. Major accessory uses such as a restaurant and bar shall be housed in a single building with the club house.
2. Minor accessory uses strictly related to the operation of the golf course itself, such as maintenance garage and pro shop or golf shop may be located in separate structures.
3. No structure shall be located closer than seventy-five (75') feet from the lot line of any adjacent residential land and from any public right-of-way.
4. All parking areas shall be surfaced or so treated as to prevent any dust nuisance.
5. All ingress and egress from the site shall be directly onto a major or secondary thoroughfare.

6. All outdoor lighting shall be shielded to reduce glare and arranged so as to reflect the light away from abutting residential areas.
7. Whenever included, swimming pools shall be provided with a protective fence not less than four (4') feet in height, and entry shall be provided by means of a controlled gate or turnstile.

## Section 718 Home Occupations & Cottage Industries

### A. Permitted Use.

The following shall be a permitted use: Home Occupations contained completely within the principal dwelling unit, which occupy twenty-five (25%) percent or less of usable floor space within that dwelling unit, employ only residents of the dwelling unit, and do not have an exterior sign.

### B. Special Land Use.

Home Occupations not meeting **Subsection A** above and Cottage Industries shall be a Special Land Use and shall be subject to the following:

1. The number of non-resident employees shall be determined on a case by case basis by the Planning Commission during Special Land Use approval.
2. Exterior signs shall be limited to a maximum of four (4') square feet and must be removed when the occupation ceases.
3. Off street parking as required by **Section 325** shall be provided.
4. The Home Occupation or Cottage Industry shall not cause nuisance, noise, or traffic conditions which detract from the principal permitted uses in the district.
5. Hours of operation shall be determined on a case by case basis by the Planning Commission during Special Land Use approval.
6. **Outside Storage of Unfinished Goods.** The outdoor storage of unfinished goods and/or materials is prohibited unless screened (by a tight-board wood fence or decorative masonry wall, landscaped buffer, landscaped berm, or similar method) from view from neighboring property and bordering road rights-of-way. If screening is required, the type and location of the same shall be approved by the Zoning Administrator.

**Section 719 Hospitals****A. R-3 District.**

General hospitals except those for criminals and those solely for the treatment of persons who are mentally ill or have a contagious disease, shall be allowed when the following conditions are met:

1. The proposed site shall have at least one (1) property line abutting a major thoroughfare.
2. The minimum distance of any main or accessory building from bordering lot lines or streets shall be at least fifty (50') feet for front, rear, and side yards for all two (2) story structures. Where a street borders a yard, one-half (1/2) the street width may be used in computing the yard setback bordering such street; however, in no instance shall a yard setback of less than thirty (30') feet be provided. For every story above two (2), the minimum yard distance shall be increased by at least five (5') feet for each additional story. One-story structures shall adhere to the district setbacks.
3. Ambulance and delivery areas shall be obscured from all residential view with an obscuring wall or fence six (6') feet in height. Ingress and egress to the site shall be directly from a major thoroughfare.
4. All ingress and egress to the off-street parking area, for guests, employees, and staff as well as any other uses of the facilities, shall be directly from a major thoroughfare.

**Section 720 Veterinary Clinics & Animal Hospitals****A. O-S District.**

All activities shall be conducted within a totally and permanently enclosed building.

**B. O-S, B-2, B-3, and A Districts.**

Pet Cemeteries are considered an accessory use to veterinary clinics or hospitals.

**Section 721 Gas Station, Auto Repair, & Tire Sales****A. B-1 and B-2 Districts – Gas Stations.**

1. Entrance and exits shall be no less than twenty-five (25') feet from a street intersection or residential district.

2. There shall be provided, on those sides abutting or adjacent to a residential district or use, a six (6') foot completely obscuring wall, fence, or landscape screen, measured from the surface of the ground of the abutting residential district or use.
3. The minimum lot area shall be ten thousand (10,000) square feet with a minimum lot frontage of one hundred (100') feet and so arranged that ample space is available for motor vehicles which are required to wait.
4. Gasoline pumps, air and water hose stands, and other appurtenances shall be setback not less than fifteen (15') feet from all street right-of-way lines.

**B. B-2 District – Auto Repair and Tire Sales.**

Major engine and body repair, steam cleaning and undercoating, when conducted on the site, shall be within a completely enclosed building. Tire storage shall be within a completely enclosed building. The storage of damaged or wrecked automobiles on the site shall be obscured from public view, and no vehicle of any kind shall be stored in the open for a period exceeding thirty (30) days.

## Section 722 Outdoor Sales

**A. B-2 District.**

Outdoor sales space for the exclusive sale of used automobiles, house trailers, travel trailer rental, or other recreational vehicles subject to the following:

1. Ingress and egress to the outdoor sales area shall be at least twenty-five (25') feet from a street intersection or residential district.
2. When adjacent to districts zoned for residential use, there shall be provided a completely obscuring wall, landscape screen, or fence six (6') feet in height, measured from the surface of the ground of the abutting residential district.

## Section 723 Wholesale Uses

**A. B-2 District.**

Wholesale uses and storage uses shall take place in a completely enclosed building, except that vehicles and/or earth moving equipment or similar uses for sale may occupy a yard area.



## Section 724 Home Improvement Centers, Building Material Storage and Sales & Lumber Yards

### A. B-2 District.

The use shall be conducted within a completely enclosed building or within a designated area enclosed on all sides with a six (6') foot fence. Said fence shall be obscuring on those sides which abut a residential district.

## Section 725 Offices & Showrooms of Plumbers, Electricians, Decorator or Similar Trades

### A. B-2 District.

The ground floor premises facing upon and visible from any abutting street shall be used only for entrances, offices, or display. All storage of material or any incidental repair shall be within the confines of enclosed buildings.

## Section 726 Recreational Space within Planned Shopping Center

Recreational space providing children's amusement park and other similar recreation when part of a planned shopping center shall be fenced on all sides with not less than a four (4') foot chain link type fence.

## Section 727 Auto Service Center within Planned Shopping Center

Automobile service centers, when developed as a part of a larger planned shopping center designed so as to integrate the automobile service center within the site plan and architecture of the total shopping center, shall be allowed.

## Section 728 Junkyards

- A. Junkyards and places for the dismantling, wrecking, and disposing of junk and for refuse material or industrial, agricultural, and automotive vehicles may be granted permits or licenses for one (1) year periods upon authorized inspections and approval of the Building Inspector, whose approval shall be based upon his findings that the use is operating in a responsible manner and all harmful effects of open storage, smoke, dust, glare, noise, fire, and explosive hazards are confined to the premises.
- B. There shall be provided a completely obscuring wall not to be less than eight (8') feet in height as measured from the grade at the property line.

- C. Junk yards shall not be located closer than two hundred (200') feet from the border of any Manufacturing District.

## Section 729 Specified Industrial Uses

- A. Metal plating, buffing, and polishing shall be subject to appropriate measures to control the type of process to prevent nuisances.
- B. Painting, varnishing, and undercoating shops shall be set back at least seventy-five (75') feet from any adjacent residential district and shall be conducted within a completely enclosed building.
- C. Petroleum storage tanks or storage tanks for any flammable liquid and production or refining plants for petroleum products shall not be closer than three hundred (300') feet from any residential district and one hundred (100') feet from any other district.

## Section 730 Wireless Communication Facilities (Towers)

### A. Uses Allowed.

1. **Co-location - Permitted Use.** Pursuant to Section 3514 of **2006 PA 110, as amended** (Michigan Zoning Enabling Act, being MCL 125.3101 et.seq.), co-location of wireless communications equipment is a permitted use of property.
2. **New Support Structure (also called "Tower").** New support structures are a Special Land Use and shall be evaluated using the procedures stated in **Subsection B** below.
3. **Residential Towers.** 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 are exempt from these regulations.
4. **Small Cell Wireless Facilities.** See **Subsection E**.

### B. Procedures for Support Structure (Tower) Special Land Use Approval.

1. An application for Special Land Use approval of wireless communications support structures shall include all information required by **Section 503 (Site Plan Data Required)** and **601**.
2. After an application for a Special Land Use approval is filed, the Zoning Administrator shall determine whether the application is administratively complete. The application shall be considered to be administratively complete when the Zoning Administrator makes that determination or fourteen (14) business days after the Zoning Administrator receives the application, whichever is first.

3. If, before the expiration of the fourteen (14) day period under **Subsection B.2**, the Zoning Administrator 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 **Subsection B.2** is tolled until the applicant submits to the body or official the specified information or fee amount due. The notice shall be given in writing or by electronic notification.
4. The Planning Commission shall approve or deny the application not more than ninety (90) 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.
5. In considering authorization of such towers and masts, the Planning Commission shall apply the standards of **Section 504**, **Section 602**, and the following standards in **Subsection C**.

**C. Standards for Support Structure (Tower).**

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. **Leases on a Portion of the Parcel.** Where a tower is to be located on leased property, and the lease extends beyond one (1) year, and the lease arrangement is for only a portion of the parent parcel, the property owner shall obtain a land division (lot split) for the tower site in conformance with the State's Land Division Act.
3. **Visual Impact Analysis.** The application for Special Land Use approval for the tower shall include a visual impact analysis, prepared by the applicant, which includes graphic depiction of the anticipated visual appearance of the tower from important vantage points in the surrounding area.
4. **Height.** A communications 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 or two hundred (200') feet, whichever is less.
5. **Co-Location.** Documentation shall be required showing whether or not it is feasible to provide equivalent service by co-locating the antenna on an existing tower or alternative tower structure in the Township, or on an existing tower or other existing alternative tower structure located in neighboring communities.
6. **Compatibility and Screening.** The tower and any ancillary building or buildings 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. Landscape screening may be required by the Planning Commission to accomplish screening of ancillary equipment buildings.

7. **Setbacks of Cables/Anchors.** Guy cables and anchors shall comply with applicable zoning district setback requirements.
8. **Setback of Tower.** The tower shall be set back a distance equal to the height of the tower measured from the base of tower to all points on each property line. If adjacent parcels are under the same ownership as the parcel proposed for the development of a tower and not separated by a right-of-way, the properties may be considered in combination in determining setback of the tower. The tower and any supporting or appurtenant structures shall be no closer to any dwelling than the distance equal one and one half (1.5) times the height of the tower measured from its base at grade to its highest point.
9. **Fence.** A fence not less than six (6') feet in height, plus anti-climb features in addition to the six (6') feet, shall be constructed around the base of the tower.
10. **Lighting.** The applicant shall provide documentation of any lighting to be installed on the site. 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. Towers shall not be artificially lighted, unless required by the Federal Aviation Administration (FAA) or other applicable authority. If lighting is required, the lighting alternatives and design must cause the least disturbance to the surrounding views.
11. **Color.** Towers in alternate bands of orange and white shall be permitted only if specifically required by Federal Communications Commission (FCC) or Federal Aviation Administration (FAA) regulations. If alternate band painting is required by FCC or FAA regulations, the applicant shall provide documentation of such requirements and regulations. The antenna and/or array installed on a tower structure and supporting electrical and mechanical equipment must be of a neutral color that is identical to, or closely compatible with, the color of the tower structure, so as to make the antenna and related equipment as visually unobtrusive as possible.
12. **Signs.** No signs other than signs required pursuant to Federal, State or local law and ordinance shall be allowed on an antenna or tower or site.
13. **FCC and FAA Conformance.** The applicant shall provide documentation of conformance with any Federal Communications Commission and Federal Aviation Administration regulations.
14. **Use of Tower.** 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

owner/operator's reasonable use of the tower. The addition of other user's equipment to the tower shall be permitted so long as the engineered design capacity of the tower or mast is not exceeded.

15. **Height Decrease.** If the height required for the tower to serve its intended function decreases from such height as installed 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.
16. **Decommissioning.** The owner shall furnish the Township with an approved decommissioning plan indicating the anticipated life of the project, the estimated decommissioning costs net of salvage value in current dollars, the method of ensuring that funds will be available for decommissioning and restoration, and the anticipated manner in which the project will be decommissioned and the site restored.

#### D. **Standards for Antenna Co-Location on an Existing Tower/Support Structure.**

1. No antenna or similar sending/receiving devices appended to a wireless support structure, following its approved construction, shall be permitted if it exceeds the engineered design capacity of the wireless support structure thereby jeopardizing the wireless support structure's structural integrity.
2. 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.

#### E. **Small Cell Wireless Facility.**

1. **Exempt Small Cell Wireless Facilities.** The co-location of a small cell wireless facility and associated support structure within a public right of way (ROW) is not subject to zoning reviews or approvals under this Ordinance to the extent it is exempt from such reviews under the **Small Wireless Communications Deployment, 2018 PA 365, as amended**. In such case, a utility pole in the ROW may not exceed forty (40') feet above ground level without Special Land Use approval and a small cell wireless facility in the ROW shall not extend more than five (5') feet above a utility pole or wireless support structure on which the small cell wireless facility is co-located.
2. **Administrative Approval for Non-Exempt Small Cell Wireless Facilities.** The modification of existing or installation of new small cell wireless facilities or the modification of existing or installation of new wireless support structures used for such small cell wireless facilities that are not exempt from zoning review in accordance with **2018 PA 365, as amended** shall be subject to review and approval by the Zoning Administrator in accordance with the following procedures and standards:

- a. The processing of an application is subject to all of the following requirements:
  - (1) Within thirty (30) days after receiving an application under this Section, the Zoning Administrator shall notify the applicant in writing whether the application is complete. The notice tolls the running of the 30-day period.
  - (2) The running of the time period tolled under **Subsection E.2.a.1** resumes when the applicant makes a supplemental submission in response to the Zoning Administrator's notice of incompleteness.
  - (3) The Zoning Administrator shall approve or deny the application and notify the applicant in writing within ninety (90) days after an application for a modification of a wireless support structure or installation of a small cell wireless facility is received or one hundred fifty (150) days after an application for a new wireless support structure is received. The time period for approval may be extended by mutual agreement between the applicant and Zoning Administrator.
- b. The Zoning Administrator shall base their review of the request on the standards contained in **Sections 504**; provided, however that a denial shall comply with all of the following:
  - (1) The denial is supported by substantial evidence contained in a written record that is publicly released contemporaneously.
  - (2) There is a reasonable basis for the denial.
  - (3) The denial would not discriminate against the applicant with respect to the placement of the facilities of other wireless providers.
- c. In addition to the provisions set forth in **Subsection b**, in the Zoning Administrator's review:
  - (1) An applicant's business decision on the type and location of small cell wireless facilities, wireless support structures, or technology to be used is presumed to be reasonable. This presumption does not apply with respect to the height of wireless facilities or wireless support structures.
  - (2) An applicant shall not be required to submit information about its business decisions with respect to any of the following:
    - (a) The need for a wireless support structure or small cell wireless facilities.
    - (b) The applicant's service, customer demand for the service, or the quality of service.

- (3) The Zoning Administrator may impose reasonable requirements regarding the appearance of facilities, including those relating to materials used or arranging, screening, or landscaping.
- (4) The Zoning Administrator may impose spacing, setback, and fall zone requirements substantially similar to spacing, setback, and fall zone requirements imposed on other types of commercial structures of a similar height in a similar location.
- d. Within one (1) year after a zoning approval is granted, a small cell wireless provider shall commence construction of the approved structure or facilities that are to be operational for use by a wireless services provider, unless the Zoning Administrator and the applicant agree to extend this period or the delay is caused by a lack of commercial power or communications facilities at the site. If the wireless provider fails to commence the construction of the approved structure or facilities within the time required the zoning approval is void.

## Section 731 Wind Energy

The purpose of this Subsection is to establish requirements for the location of Wind Turbine Generators (WTG), commonly known as wind turbines or windmills and anemometer towers. The Charter Township of Alpena recognizes that it is in the public interest to permit the location of wind energy systems within the Township. The Township also recognizes the need to protect the scenic beauty of the Township from unnecessary and unreasonable visual and audio interference.

### A. Technological Advances and Design Standards Flexibility.

The Township recognizes the accelerated pace at which the technology of wind energy generation is evolving and the impact these technological changes may have on the use and placement of wind turbine generators within the Township. Consequently, in order to effectively incorporate new technology that may outpace the regulations established herein, the Planning Commission may approve wind turbine generators that do not fully comply with the strict development standards of these regulations if, in the opinion of the Commission, they comply with the intent of the regulations and do not create significant adverse impacts on the petitioned property, abutting properties, or the immediate neighborhood.

### B. Wind Turbine Generator (Utility-Grid or Commercial).

A Utility-Grid or Commercial WTG is allowed in all zoning districts subject to Special Land Use approval (**Article 6**) and site plan review (**Article 5**) and subject to the following:

1. **Principal or Accessory Use.** A Utility-Grid or Commercial WTG 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 WTG or a part of such



facility on such parcel. WTG's that are constructed and installed in accordance with the provisions of this Section shall not be deemed to constitute the expansion of a nonconforming use or structure.

2. **Setback.**

a. **Turbine Setback.** A WTG shall be built at a distance from all property lines that is not less than one hundred (100%) percent of the height of the system tower including the top of the blade in its vertical position.

b. **Building Setbacks.** Setbacks for buildings accessory to a wind turbine generator shall conform to the setbacks of the district.

3. **Vertical Clearance.** The minimum vertical clearance from the blade tip to the ground shall not be less than twenty (20') feet.

4. **Noise.** The sound created by the system shall not exceed fifty-five (55) dBA at the nearest property line of adjacent properties.

5. **Maximum Vibrations.** Any proposed wind turbine generator shall not produce vibrations through the ground humanly perceptible beyond the parcel on which it is located.

6. **Potential Ice Throw.** Any potential ice throw or ice shedding from a wind turbine generator shall not cross the property lines of the site nor impinge on any right-of-way or overhead utility line.

7. **Visual Impact.** Wind turbines shall be colored 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).

8. **Shadow Flicker.** The property owner of a wind turbine shall make reasonable efforts to minimize shadow flicker to any occupied building on nearby properties.

9. **Lighting.** Lighting shall consist of the minimum required by the Federal Aviation Administration or the Michigan Aeronautics Commission or other applicable authority, or otherwise necessary for the reasonable safety and security thereof. If lighting is required, the lighting alternatives and design chosen:

a. Shall be the intensity required under State or Federal regulations.

b. 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 acceptable to State or Federal regulations.

- c. All tower lighting required by State or Federal regulations shall be shielded to the extent possible to reduce glare and visibility from the ground.
- 10. **Compliance with other Regulations.** The system shall comply with all applicable local, State and/or Federal construction and electrical codes and aviation regulations. The owner shall provide documentation of conformance with any Federal Aviation Administration regulations.
- 11. **Electric Supplier Notification.** Before a WTG is installed, the owner shall notify the owner's servicing electric supplier that the owner intends to install an interconnected WTG.
- 12. **Interconnection Requirements.** All interconnected customer owned WTG's shall comply with all applicable Michigan Public Service Commission and electric supplier interconnection requirements.
- 13. **Maintenance.** The owner of a WTG system shall establish and follow a regular maintenance program.
- 14. **Equipment Replacement.** The wind turbine generator in its entirety or major components of the wind turbine generator may be replaced without a modification of the Special Land Use approval provided all regulations contained herein are adhered to.
- 15. **Decommissioning Plan.** The owner shall furnish the Township with an approved decommissioning plan indicating the anticipated life of the project, the estimated decommissioning costs net of salvage value in current dollars, the method of ensuring that funds will be available for decommissioning and restoration, and the anticipated manner in which the project will be decommissioned and the site restored.
- 16. **Compliance with this Section.** An owner of a WTG system shall not be found to be a public or private nuisance if the system complies with the regulations of this Section, notwithstanding any of the following: a change of ownership, temporary cessation or interruption in producing electricity by the system, or new technology.

#### C. **Wind Turbine Generator, On-Site or Private.**

An on-site or private WTG is an accessory use allowed as a permitted use in any district, meeting the following standards, which shall also apply to anemometer towers one-hundred (100') feet or less in height:

- 1. The WTG shall be designed to primarily serve the needs of a home, farm, or small business.
- 2. **Minimum Lot Size.** The WTG shall only be located on property at least five (5) acres in size.

3. **Height.** The WTG shall have a tower height of one hundred (100') feet or less. The minimum vertical clearance from the blade tip to the ground shall not be less than twenty (20') feet.
4. **Setback.** The distance between an on-site WTG and the property lines or any structure shall be equal to the height of the tower including the top of the blade in its vertical position. The distance between an anemometer tower and the property lines shall be equal to the height of the tower. No part of the on-site WTG or anemometer tower, including guy wire anchors, may extend closer to the property line than the required setback for the district in which the unit is located. An exception to the setback requirements may be made where the on-site WTG or anemometer tower is located on waterfront property, in which case, the waterfront setback for the on-site WTG or anemometer tower is the same as for the district where located.
5. **Noise.** The sound created by the system shall not exceed fifty-five (55) dBA at the nearest property line of adjacent properties.
6. **Number of Turbines (Horizontal or Vertical).** The number of turbines shall be determined by the spacing requirement of the manufacturer.
7. **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.
8. **Shadow Flicker.** The property owner of a wind turbine shall make reasonable efforts to minimize shadow flicker to any occupied building on nearby properties.
9. **Potential Ice Throw.** Any potential ice throw or ice shedding from the wind turbine generator shall not cross the property lines of the site nor impinge on any right-of-way or overhead utility line.
10. **Visual Impact.** All visible components of a small on-site wind energy system shall be painted a non-reflective, non-obtrusive neutral color and maintained in good repair in accordance with industry standards.
11. **Compliance with Other Regulations.** The system shall comply with all applicable local, State and/or Federal construction and electrical codes and aviation regulations.
12. **Braking, Lightning, and Guy Wires.** An on-site WTG shall have automatic braking, governing, or a feathering system to prevent uncontrolled rotation, and shall have lightning protection. If a tower is supported by guy wires, the wires shall be clearly visible to a height of at least six (6') feet above the guy wire anchors.

## Section 732 Solar Energy

### A. Solar Energy Facilities (Utility Scale).

1. **Reflection/Glare.** Attached, building-integrated or freestanding solar collection devices, or combination of devices, shall be designed and located to avoid glare or reflection onto adjacent properties and adjacent roadways and shall not interfere with traffic or create a safety hazard. This may be accomplished by both the placement and angle of the collection devices as well as human-made or environmental barriers. Glare intensity is considered an issue if it measures more than twenty (20%) percent of the incident sun intensity. Plans to reduce glare may be required in the initial materials submitted.
2. **Impervious Surface/Stormwater.** If more than eight thousand (8,000) square feet of impervious surface will be located on the site, the application shall include a drainage plan prepared by a registered civil engineer showing how stormwater runoff will be managed. If detergents will be used to clean solar panels, details on the type of detergent, frequency and quantity of use, and stormwater quality protection measures shall be provided. Any necessary permits from outside agencies for off-site discharge shall be provided.
3. **Screening.** Solar devices shall be screened from view from any residential district or residential use by use of a masonry screen wall, evergreen vegetation, or other screening of a similar effectiveness and quality, as determined by the Planning Commission.
4. **Setbacks.** The setbacks of all solar collection devices and ancillary equipment shall be at least fifty (50') feet from all property lines.
5. **Battery Storage.** Sufficient space shall be reserved on the property for battery storage.
6. **Abandonment.** Any freestanding solar collection site or device which is not used for six (6) months shall be deemed to be abandoned. The applicant/permit holder will be so notified in writing by the Township and requested to dismantle the site and return it to its original state. If there are mitigating circumstances as to why the site has not been used, the applicant/permit holder may contact the Township and request a three (3) month extension. If a site has been deemed abandoned and no request for an extension is received, the applicant/permit holder will again be notified to dismantle the site and return it to its original state. If the applicant/permit holder does not do this, the Township will have the removal and restoration done at the owner/applicant's expense. Removal shall include removing posts, equipment, panels, foundations, and other items so that the ground is restored to its preconstruction state and is ready for development as another land use.

### B. Solar Energy Panels (as Accessory Use).

Solar energy panels shall be allowed as an accessory use in all zoning districts subject to the requirements below. A building permit is required.

**1. Height.**

- a. Ground-mounted or pole-mounted accessory solar energy panels shall not exceed the allowable height of detached accessory buildings pursuant to **Section 305** when oriented at maximum tilt.
- b. Building-mounted or roof-mounted accessory solar energy systems shall not exceed the maximum allowed building height in any zoning district.

**2. Setbacks.**

- a. Ground-mounted or pole-mounted accessory solar energy panels shall adhere to setbacks established for detached accessory buildings pursuant to **Section 305**.
- b. Building-mounted or roof-mounted accessory solar energy panels shall adhere to district setbacks for a principal building but may encroach into designated main building setbacks by twelve (12") inches.

**3. Glare.** Panels shall not result in glare onto adjoining properties or public rights of way.**Section 733 Resource Extraction (Mining)**

- A. In conformance to the **Michigan Zoning Enabling Act, 2006 PA 110, as amended**, the Township shall not prevent the extraction, by mining, of valuable natural resources from any property unless very serious consequences would result from the extraction of those natural resources.
  - 1. Natural resources shall be considered valuable if a person, by extracting the natural resources, can receive revenue and reasonably expect to operate at a profit.
  - 2. In determining whether very serious consequences would result from the extraction, by mining, of natural resources, the standards set forth in *Silva v Ada Township*, 416 Mich 153 (1982), shall be applied and all of the following factors may be considered, if applicable:
    - a. The relationship of extraction and associated activities with existing land uses.
    - b. The impact on existing land uses in the vicinity of the property.
    - c. The impact on property values in the vicinity of the property and along the proposed hauling route serving the property, based on credible evidence.
    - d. The impact on pedestrian and traffic safety in the vicinity of the property and along the proposed hauling route serving the property.

- e. The impact on other identifiable health, safety, and welfare interests in the local unit of government.
  - f. The overall public interest in the extraction of the specific natural resources on the property.
- B. The Planning Commission may regulate of hours of operation, blasting hours, noise levels, dust control measures, and traffic, not preempted by part 632 of the **Natural Resources And Environmental Protection Act, 1994 PA 451**, MCL 324.63201 to 324.63223. However, such regulation shall be reasonable in accommodating customary mining operations.

## Section 734 Biofuel Production Facilities on Farms

- A. In conformance to the Michigan Zoning Enabling Act, 2006 PA 110, as amended, the following regulations shall apply to biofuel production facilities:
1. A biofuel production facility with an annual production capacity of not more than one hundred thousand (100,000) gallons of biofuel is a permitted use of property and is not subject to Special Land Use approval if all of the following requirements are met:
    - a. The biofuel production facility is located on a farm.
    - b. The biofuel production facility is located not less than one hundred (100') feet from the boundary of any contiguous property under different ownership than the property on which the biofuel production facility is located and meets all applicable setback requirements of the Zoning Ordinance.
    - c. On an annual basis, not less than seventy-five (75%) percent of the feedstock for the biofuel production facility is produced on the farm where the biofuel production facility is located, and not less than seventy-five (75%) percent of the biofuel or another product or by-product produced by the biofuel production facility is used on that farm.
  2. Each of the following requires Special Land Use approval under **Subsections (3) to (5)**:
    - a. A biofuel production facility with an annual production capacity of not more than one hundred thousand (100,000) gallons of biofuel that meets the requirements of **Subsection (1)(a) and (b)** but that does not meet the requirements of **Subsection (1)(c)**.
    - b. A biofuel production facility with an annual production capacity of more than one hundred thousand (100,000) gallons but not more than five hundred thousand (500,000) gallons of biofuel that meets the requirements of **Subsection (1)(a) and (b)**.
  3. An application for Special Land Use approval for a biofuel production facility described in Subsection 2 shall include all of the following:

- a. A site plan including a map of the property and existing and proposed buildings and other facilities.
  - b. A description of the process to be used to produce biofuel.
  - c. The number of gallons of biofuel anticipated to be produced annually.
  - d. An emergency access and fire protection plan that has been reviewed and approved by the appropriate responding police and fire departments.
  - e. For an ethanol production facility that will produce more than ten thousand (10,000) proof gallons annually, completed United States Department of the Treasury, Alcohol and Tobacco Tax and Trade Bureau, forms 5000.29 (environmental information) and 5000.30 (supplemental information on water quality considerations under 33 USC 1341(a)), or successor forms, required to implement regulations under the National Environmental Policy Act of 1969, 42 USC 4321 to 4347, and the Federal Water Pollution Control Act, 33 USC 1251 to 1387.
  - f. Information that demonstrates that the biofuel production facility will comply with the requirements of **Subsections (2) and (5)**.
  - g. Any additional information requested by the Planning Commission or Zoning Administrator.
4. The Township shall hold a hearing on an application for Special Land Use approval under **Subsection (2)** not more than sixty (60) days after the application is filed.
  5. Special Land Use approval of a biofuel production facility described in **Subsection (2)** shall be made expressly conditional on the facility's meeting all of the following requirements before the facility begins operation and no additional requirements:
    - a. Buildings, facilities and equipment used in the production or storage of biofuel comply with local, State, and Federal laws.
    - b. The owner or operator of the biofuel production facility provides the Township with proof that all necessary approvals have been obtained from the State and Federal agencies that are involved in permitting any of the following aspects of biofuel production:
      - (1) Air pollution emissions.
      - (2) Transportation of biofuel or additional products resulting from biofuel production.
      - (3) Use or reuse of additional products resulting from biofuel production.



- (4) Storage of raw materials, fuel or additional products used in, or resulting from, biofuel production.
- (5) The biofuel production facility includes sufficient storage for both of the following:
  - (a) Raw materials and fuel.
  - (b) Additional products resulting from biofuel production or the capacity to dispose of additional products through land application, livestock consumption, sale, or other legal use.

B. This Section does not authorize biofuel production facilities that are not located on farms.

## Section 735 Medical Marihuana Primary Caregivers

### A. Intent and Purpose.

The purpose of this Section is to implement land use regulations to address the medical use of marihuana as authorized by the enactment of the **Michigan Medical Marihuana Act (hereinafter referred to as the "MMMA")**, Initiated Law 1 of 2008, MCL 333.26423, et seq, and its administrative rules, R 333.101, et seq.

### B. Regulations for Primary Caregivers.

The medical use of marihuana by a primary caregiver in a primary caregiver facility is hereby authorized as a use by right in any zoning district, provided that all of the following regulations are met:

1. The primary caregiver must be issued and at all times must maintain a valid registry identification card by the Michigan Department of Licensing and Regulatory Affairs or any successor agency under the provisions of the MMMA.
2. Except when being transported as provided in **Subsection 8** below, all marihuana plants or products must be contained within the primary caregiver facility in an enclosed, locked facility that segregates the marihuana plants and products for medical use for each qualifying patient and that permits access only by the primary caregiver.
3. If a room with windows within the primary caregiver facility is utilized to grow marihuana for medical use, any artificial lighting shall be shielded, to prevent glare, must not be visible from neighboring properties, and must not be visible from adjacent streets or public ways.
4. Except as provided herein, no more than one (1) primary caregiver shall be permitted to provide primary caregiver services within a single primary caregiver facility. Provided, however, a husband and wife or not more than two (2) unrelated individuals whose

relationship is of a permanent and distinct domestic character and who live as a single, nonprofit housekeeping unit with single culinary facilities may both be primary caregivers within the same primary caregiver facility.

5. Except for any qualifying patients who reside with the primary caregiver at the primary caregiver facility, no more than five (5) qualifying patients may be present at the same time at a primary caregiver facility for any purpose directly related to primary caregiver services. This Subsection, however, shall not be construed to prohibit the presence of qualifying patients at a primary caregiver facility for purposes unrelated to primary caregiver services.
6. Qualifying patient visits to a primary caregiver facility shall be restricted to between the hours of 8:00 a.m. and 8:00 p.m., except when (a) the qualifying patient resides with the primary caregiver at the primary caregiver facility, or (b) the qualifying patient visits are for purposes unrelated to primary caregiver services.
7. No qualifying patients under the age of eighteen (18) shall be permitted at any time at a primary caregiver facility, except when (a) in the presence of his/her parent or guardian, (b) the qualifying patient resides with the primary caregiver at the primary caregiver facility, or (c) the qualifying patient visits are for purposes unrelated to primary caregiver services.
8. No marihuana for medical use shall be dispensed by the primary caregiver to qualifying patients at the primary caregiver facility, except to a qualifying patient who resides with the primary caregiver at the primary caregiver facility. Except as provided herein, the primary caregiver shall deliver all marihuana for the medical use of such qualifying patient, and such delivery shall take place on private property away from public view. Any such delivery vehicle shall be unmarked and not bear any emblem or sign that would indicate the nature of its cargo. In addition, all marihuana for medical use delivered to a qualifying patient shall be packaged so the public cannot see or smell the marihuana.
9. No marihuana for medical use shall be consumed, smoked, or ingested by a qualifying patient by any method at a primary caregiver facility, except by a qualifying patient who resides with the primary caregiver at the primary caregiver facility.
10. A primary caregiver shall display at the primary caregiver facility indoors and in a manner legible and visible to his/her qualifying patients:
  - a. A notice that qualifying patients under the age of eighteen (18) are not allowed at the primary caregiver facility, except when (a) in the presence of his/her parent or guardian, (b) the qualifying patient resides with the primary caregiver at the primary caregiver facility, or (c) the qualifying patient visits are for purposes unrelated to primary caregiver services, and
  - b. A notice that no dispensing or consumption of marihuana for medical use shall occur at the primary caregiver facility, except to or by a qualifying patient who resides with the primary caregiver at the primary caregiver facility.

11. A primary caregiver facility shall not have any signage visible from the outdoors that would indicate the nature of the primary caregiver services being conducted in the primary caregiver facility.
12. A primary caregiver facility shall not be located within one thousand five hundred (1,500') feet of the lot on which another primary caregiver facility is located and shall not be located within one thousand five hundred (1,500') feet of a lot on which any of the following uses are located:
  - a. Any religious institution, church, or place of worship and its accessory structures.
  - b. Any public or private school, having a curriculum including kindergarten through 12<sup>th</sup> grade and its accessory structures.
  - c. Any preschool, child care, or day care facility and its accessory structures.
  - d. Any public facility, such as libraries, museums, parks, playgrounds, public beaches, community centers, and other public places where children may congregate.
13. The portion of the primary caregiver facility, including any room or area utilized to grow marihuana for medical use, shall contain electrical service and wiring, certified by an electrician licensed in the State of Michigan, meeting the applicable requirements of the electrical code in effect in the Township.

#### C. Relationship to Federal Law.

Nothing within this Section is intended to grant, nor shall it be construed as granting, immunity from Federal law.

#### D. Prohibited Uses.

Marihuana Facilities as designed by **2016 PA 281, Medical Marihuana Facilities Licensing Act, MCL 333.27101 et seq.** and marihuana establishments as defined by **Initiated Law 1 of 2018, Medical Regulation and Taxation of Marihuana Act, MCL 333.27951 et seq.** are prohibited.

## Section 736 Sexually Oriented Businesses

The purpose and intent of the Section of this 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 which are prohibited by Township Ordinances, State law, 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 greater than five thousand (5,000) square feet.
- B. No sexually oriented business shall be established on a parcel within five hundred (500') feet of any residence, public or private school, church, public park, State-licensed child care facility, or residential zoning district.
- C. 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.
- D. For the purpose of this Section, measurements shall be made in a straight line in all directions without regard to intervening structures or objects, from the closest part of any structure, including signs and roof overhangs, used in conjunction with the sexually oriented business to the closest point on a property boundary or right-of-way associated with any of the land use(s) or zoning district identified in **Subsection B** and **C** above.
- E. The proposed use shall conform to all specific density and setback regulations of the zoning district in which it is located.
- F. The proposed use must meet all applicable written and duly promulgated standards of the Township and other governments or governmental agencies having jurisdiction, and that to the

extent required, the approval of these governments and/or governmental agencies has been obtained or is reasonably assured.

- G. 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.
- H. 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.
- I. 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."
- J. 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 sidewalk, street, or a neighboring property.
- K. Hours of operation shall be limited to 12:00 PM (noon) to 12:00 AM (Midnight).
- L. 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 interior or exterior walls not relating to utility, ventilation, or temperature control services or otherwise required by any governmental building code or authority.

**Section 737 Accessory Dwelling Units/Guest Houses**

The purpose of this Section is to allow a minor amount of space within a dwelling or upon a lot with a primary dwelling to be used, rented, or leased as separate living quarters for extended family or non-family members in residential neighborhoods within the Township. These provisions are further intended to provide reasonable control in recognition of the high percentage of owner-occupied single-family homes in the Township. The purpose of these standards is also to prevent the undesirable proliferation of permanent two-family units which could, over time, disrupt the character of single-family neighborhoods. The following regulations shall apply:

- A. One (1) accessory dwelling unit is allowed per lot.
- B. The accessory dwelling unit shall not exceed fifty (50%) percent of the total floor area of the principal dwelling so that it remains an accessory use to the primary dwelling and does not result in the creation of a duplex. Tiny homes shall be allowed as freestanding, detached accessory dwelling units provided they are at least two hundred fifty (250) square feet in size and do not exceed fifty (50%) percent of the total floor area of the principal dwelling.
- C. If the accessory dwelling unit is a freestanding, detached unit or located within or attached to a principal dwelling, it shall meet the required principal dwelling unit setbacks.
- D. The accessory dwelling unit shall be provided electricity, plumbing, and heat.
- E. The accessory unit shall be a self-contained unit and shall be one of the following:
  1. located above an attached or detached garage.
  2. attached to the primary dwelling or garage.
  3. totally within a primary dwelling.
  4. a freestanding, detached unit.
- F. The accessory unit shall have a separate exterior entrance.
- G. The residents of the primary structure shall maintain the accessory unit and shall ensure that no excessive noise, traffic, or blight occurs on the property.
- H. The accessory unit shall conform to current building code standards.
- I. One additional parking space shall be provided on-site for the accessory dwelling unit.

**Section 738 Planned Unit Developments (PUD)****A. Purpose.**

The intent of a Planned Unit Development is to permit more flexibility and consequently encourage a greater imaginative and creative use and design of structures and land than is allowable under the specific districts standards of this Ordinance where such modifications will not be contrary to the intent of this Ordinance or significantly inconsistent with the Master Plan upon which it is based. It is further intended to promote more efficient and economical use of the land while providing a harmonious variety of housing choices, a higher level of urban amenities, open space, and the preservation of natural scenic qualities.

**B. Permitted Uses.**

The following uses may be allowed in a PUD. Mixed uses are encouraged.

1. **Residential Uses.** Dwelling units in detached, semi-detached, attached, or multiple family dwellings or any combination thereof, along with customary accessory uses and structures are permitted in a PUD.
2. **Non-Residential Uses.** Non-residential uses are permitted in a PUD provided that such uses are compatibly and harmoniously incorporated into the unitary design of the PUD.
3. **Development not associated with Residential Uses.** A PUD may exclude residential development and allow other commercial, industrial, institutional, cultural, and/or recreational uses if the applicant can demonstrate that the proposed PUD is sufficiently well designed to accomplish the intent of this Ordinance with respect to adjoining land uses both existing and anticipated. A PUD excluding residential uses may not be located in a Residential Zoning District.

**C. Flexibility of District Standards.**

Minimum development standards set forth by the original district in which the proposed PUD is located shall act as general guideline. To encourage flexibility and creativity consistent with the intent of PUD regulations, the Township may permit specific departures from the requirements of the Zoning Ordinance.

**D. Development Standards.**

1. **Uses.** Proposed uses should be so designed and located as to promote appropriate interaction between uses and limit or buffer incompatibilities both with other uses within the PUD and existing uses adjacent to the PUD site.



2. **Natural Features.** To the maximum extent feasible, the development shall be designed so as to preserve natural resources and natural features.
3. **Design of Features.** A Planned Unit Development shall be designed so as to provide adequate light, air, privacy, circulation patterns, and public services. Signage, lighting, landscaping, building materials for the exterior of all structures, and other features of the project shall be designed and completed with the objective of achieving an integrated and controlled development, consistent with the character of the community, surrounding development or developments, and natural features of the area.
4. **Open Space.**
  - a. **Common Open Space.** A minimum of twenty (20%) percent of the land developed in any planned unit development project shall be reserved for common open space and recreational facilities for the residents or users of the area being developed. Open space and recreational areas shall be areas which are usable to the residents and shall not consist of roads, parking areas, on-site drainage and the like. The open space shall be disposed of as required in **Subsection (b)** below. The Planning Commission may waive or reduce this requirement during the approval process.
  - b. **Disposition of Open Space.** The required amount of common open space land reserved under a planned unit development shall either be held in corporate ownership by owners of the project area for the use of each owner who buys property within the development or be dedicated to the Township and retained as common open space for parks, recreation, and related uses. All land dedicated to the Township must meet the Planning Commission's requirements as to size, shape, and location. Public utility and similar easements and rights-of-way for water courses and other similar channels are not acceptable for common open space dedication to the Township unless such land or right-of-way is usable as a trail or other similar purpose and approved by the Planning Commission. The responsibility for the maintenance of all open spaces shall be specified by the developer before approval of the final development plan.
5. **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.
6. **Perimeter Setback.** The Planning Commission may require a setback from the perimeter of the PUD property.

#### E. Review and Approval.

1. **Pre-Application Meeting.** The developer shall meet with the Zoning Administrator, Planning Commission Chair, and/or Planning Commission prior to the submission of the development plan. The purpose of this meeting is to discuss, early and informally, the purpose and effect

of this Ordinance and the criteria and standards contained herein, and to obtain feedback on the preliminary proposal.

2. **Submission of Preliminary Site Plan.** The applicant shall submit ten (10) copies of a preliminary site plan at least twenty-one (21) days prior to the Planning Commission meeting at which the preliminary site plan will be reviewed. The preliminary site plan shall include:
  - a. General footprint of proposed and existing buildings.
  - b. Indication of proposed uses and their general locations.
  - c. General layout of streets, drives, parking areas, and pedestrian paths.
  - d. Individual parcels, if applicable.
  - e. Proposed setbacks for district perimeters and individual buildings within the development.
  - f. Proposed perimeter buffer zones and screening.
  - g. Conceptual landscape plan.
  - h. Development phases, if applicable.
  - i. Type, estimated number, and density range for residential development.
  - j. Other information as may be deemed necessary by Township staff or the Planning Commission to properly review the proposal.
  - k. Additional supporting documentation including a written narrative describing the project.

### 3. Preliminary Site Plan Approval.

- a. **Public Hearing.** The Planning Commission shall conduct a public hearing on the preliminary site plan in accordance with **Section 907** of this Ordinance.
- b. **Preliminary Site Plan Approval/Action.** Following the public hearing, the Planning Commission shall approve, deny, or approve the preliminary plan subject to specified conditions/revisions.

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.

**4. Final Site Plan Approval.**

- a. The applicant shall submit ten (10) copies of a final site plan of the entire PUD or phased portion thereof and filing fee to the Planning Commission for review and approval. Submission shall occur at least twenty-one (21) days prior to the meeting at which Planning Commission Review will occur.
  - b. The final site plan shall include all site plan data required in **Section 503**.
  - c. The final submittal shall be prepared incorporating any changes specified as part of the preliminary approval.
  - d. The Planning Commission shall conduct a public hearing in accordance with **Section 907** of this Ordinance.
  - e. 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 requirements stated in this Section, site plan review criteria in **Section 504**, Special Land Use approval standards in **Section 602**, 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.
  - f. 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 re-submittal of the previously approved final site plan to the Planning Commission for review and re-approval. 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.
  - g. No zoning amendment passed during the time period granted for the approved development plan shall in any way affect the terms under which approval of the planned unit development was granted.
5. **Amendment to an Approved PUD.** Amendments to a final approved site plan for a PUD shall follow the regulations in **Section 506**.

**Section 739 Site Condominium Developments****A. Intent.**

The purpose of this Section is to regulate the creation and use of site condominiums within the Township and to promote and protect the health, safety, and general welfare of the public. These regulations and controls shall in no way repeal, annul, or in any way interfere with the provisions and standards of any other State and Federal laws and regulations.

**B. General Requirements.**

1. **Compliance with Federal, State, and Local Laws.** All site condominium projects, including manufactured home condominium developments, shall comply with all applicable Federal, State, and local laws and ordinances.
2. **Zoning Requirements.** All site condominium projects shall be located within the zoning district that permits the proposed use, and shall comply with all zoning requirements of this Ordinance.
  - a. For the purposes of these regulations, each condominium unit in a site condominium shall be considered as a single zoning lot, and shall comply with all regulations of the zoning district in which it is located.
  - b. In a site condominium containing single-family detached dwelling units, not more than one (1) dwelling unit shall be located on a single site condominium unit nor shall a dwelling unit be located on a site condominium unit with any other principal structure or use, unless otherwise allowed by this Ordinance.
  - c. Required yards shall be measured from the boundaries of the site condominium unit.
3. **Site Plan Review.** Prior to recording a plat or master deed, site condominiums shall undergo site plan review and approval by the Planning Commission in accordance with **Article 5** of this Ordinance. Approval under this Ordinance shall be required as a condition to the right to construct, expand, or convert a site condominium project in the Township.
  - a. **Application.**
    - (1) An application for site plan approval shall be filed for review as per the requirements of **Article 5** of this Ordinance. All procedures and standards of **Article 5** shall apply to site condominium projects.
    - (2) All condominium site plans shall include the information required in Section 66 of **1978 PA 59, as amended (Condominium Act, being MCL 559.166)**.

(3) The application for site plan review shall also include a copy of the proposed deed restrictions and/or master deed and by-laws to be recorded with the County Register of Deeds for review and approval by the Planning Commission.

(4) In the case of single-family detached dwelling units, the location and dimensions of site condominium common elements, limited common elements, and building envelopes shall be shown on the site plan.

**b. Deed Restrictions, Master Deed, By-Laws.**

(1) The deed restrictions and/or master deed and by-laws shall be reviewed with respect to all matters subject to regulation by the Township, including but not limited to preservation and maintenance of drainage, retention ponds, wetlands and other natural areas, and maintenance of landscaping in common areas in the project.

(2) Also, the deed restrictions and/or master deed and by-laws shall provide for the means by which any private road rights-of-way may be dedicated to the public entity having jurisdiction in the future should such dedication be later deemed appropriate.

**c. Performance Guarantees.** As a condition of approval of the site plan, the Planning Commission may require performance guarantees by the developer in accordance with the provisions of **Section 905**, to ensure completion of improvements shown upon the site plan. Upon fulfillment of all requirements, the developer shall apply to the Township for release of any remaining performance guarantees.

**4. Easements for Utilities.** Road rights-of-way shall be parcels separate from individual residential units or lots. The rights-of-way shall be for roadway purposes, and for the maintaining, repairing, altering, replacing, and/or removing of pipelines, wires, poles, mains, conduits, and other installations of a similar character, hereinafter collectively called “public structures” for the purpose of providing public utilities including electric, communications, water, drainage and sewers, and subject to easements to be dedicated to the Township.

**5. Additional Filings Required.** Subsequent to the recording of the deed restrictions and/or master deed and by-laws, and subsequent to the construction of improvements, the developer shall file the following information with the Township Clerk:

- a. Three (3) copies of the as-built site condominium plans.
- b. Two (2) copies of the recorded deed restrictions and/or master deed and by-laws with all pertinent attachments.
- c. Certification from the developer’s engineer that improvements have been installed in conformance with the approved construction drawings and monuments.

## Section 740 Tiny Homes

Tiny homes shall be allowed as the principal dwelling on a parcel, as freestanding accessory dwelling units, and in a Planned Unit Development. Tiny homes shall conform to current building code.

## Section 741 Food Trucks

- A. Food trucks regulated by this Section are intended to be stationary establishments. These regulations do not apply to mobile food trucks which distribute goods as they are driving throughout the community (i.e. mobile ice cream truck).
- B. Zoning approval is required for food trucks. The property owner shall submit a plot plan pursuant to **Section 501**. The plot plan shall show the planned parking for any food trucks on a lot as well as all planned outdoor seating. If a property owner has a lot large enough to accommodate more than one (1) food truck, only one (1) zoning approval is required for all of the food trucks on the property.
- C. Food trucks may be placed as stand-alone units on a property without a principal building or may be placed on a lot in conjunction with a principal building.
- D. Grease and liquid waste may not be disposed of in storm drains, sanitary sewer system, or public streets.
- E. All areas within twenty (20') feet of the food truck shall be kept clean and free of debris.
- F. Food trucks shall be located at least one hundred (100') feet from the front door of any brick and mortar restaurant or outdoor dining area which is located on a different property unless the Planning Commission waives this requirement.

## Section 742 Commercial Event Facilities

### A. Standards.

1. Restaurants and hotels with banquet facilities where commercial event facilities are accessory to the principal use shall not be subject to this Section.
2. **Parking.** No vehicles associated with the event shall be permitted to be parked on public roadways. All vehicle parking shall be maintained "on site." "On site" is defined as at least one hundred (100') feet from the property boundaries of the parcel on which the event is permitted. Adequate parking shall be provided for the guests of the event and those employed in support of the event. At a minimum, at least one (1) parking space for every four (4) persons attending the event shall be provided for on-site parking. The Planning Commission is authorized to take into account, to the extent it deems practicable, the joint use of parking spaces that may that may exist for a golf course, public restaurant or other

- operations on the property during the time of events. The Planning Commission may approve, in its discretion, the use of off-site parking as an alternative with transportation provided to the site by attendees through a commercial transportation service.
3. **Setbacks.** The general event area (the actual location(s) in which the gathering is to occur) shall be located three hundred (300') feet from adjacent owners' property lines. All activities associated with the use are to be included within the general event area, the only exception being the parking as allowed by **Subsection 2** above.
  4. **Hours of Operation.** Year-round operations may be authorized. Events shall commence no earlier than 10 AM and shall terminate no later than midnight. However, the Planning Commission shall have the power to modify the commencement and termination times for a particular site based upon the specifics of the application. For purposes of this Section, "termination" shall mean the termination of food, drinks, service and entertainment, with the understanding that attendees and servers will need a reasonable amount of time after termination to exit the premises.
  5. **Amplified Sound.** Sources of amplified sound, including but not limited to recorded music, live musical performances, and spoken word, shall commence no earlier than 12:00 PM, shall be terminated by 10:00 PM. The Planning Commission shall have the power to modify the time limits for amplified sound for a particular site based on the specifics of the application. Enclosed buildings, tents, pavilions and other open/non-enclosed structures shall be considered an acceptable location for the source of amplified sound as referenced in this Section. Strict consideration shall be afforded to the maintenance of ambient outdoor noise levels at the property boundaries.
  6. **Overnight Accommodations.** No overnight accommodations shall be provided in temporary structures such as tents or recreational vehicles unless the Planning Commission approves a deviation from this standard. Any Commercial Event Facility which provides overnight accommodations must comply with all applicable codes and laws related to the provision of said accommodations.
  7. **Capacity.** The number of persons allowed at each event for a proposed Commercial Event Facility shall be compatible with the proposed facilities and infrastructure for each site.
  8. **Sanitary Facilities.** Adequate sanitary restroom facilities shall be provided on site, and the type and location of such facilities shall be subject to the approval of the Planning Commission and **District Health Department**.
  9. **Number of Events.** The Planning Commission may limit the number of events allowed per year.
  10. **Ingress/Egress.** The site of the Commercial Event Facility shall have at least two (2) means of egress, at least one (1) of which is adequate for emergency vehicles as determined by the



Planning Commission in consultation with emergency responders based on its width, length, surface and ability to support the gross vehicle axle weight of emergency vehicles.

11. **Buffers.** The Planning Commission may require appropriate buffers between the Commercial Event Facility and adjoining properties given the size of parcel, the natural topography, and vegetative cover.
12. **Outdoor Seating.** Seating for events may occur outdoors, under a fabric structure temporarily constructed on the property, or in an event barn or other structure.

#### B. Submittal Requirements.

1. In addition to the requirements in **Section 503** (Site Plan Data Required), the site plan must show the area of event, parking, temporary structures, and sanitation facilities.
2. **Event Management Plan.** An event management plan shall be prepared and submitted to the Planning Commission for review and approval. The plan shall include provisions for traffic and parking management, hours of operation, noise abatement, toilet facilities and maximum number of guests. The plan shall also include a list of contacts for emergency situations.
  - a. Hours of operation must include setup and takedown times.
  - b. The event plan must provide expected maximum number of persons intended to use the property at one time and collectively, including organizers, employees, vendors, exhibitors and spectators/participants.
  - c. The event plan must provide the expected number of automobiles and other vehicles intended to use the property at one time and collectively.
  - d. The event plan must provide certification that the property where the event is to take place is not subject to any covenant or restriction limiting its use, or if the use is restricted by easement or otherwise, a copy of a survey or diagram depicting the easement area and any reserved area where development rights are intact.
3. The Planning Commission may grant a deviation from any of the Subsections A.2 through A.6 above upon the following findings:
  - a. Granting the deviation will not cause a substantially adverse effect on neighboring properties and will not produce nuisance conditions to occupants of nearby properties.
  - b. Granting the deviation will not otherwise impair the public health, safety and general welfare of the residents.
  - c. Granting the deviation will uphold the spirit and intent of this Ordinance.

A request for deviation shall be considered as part of the site plan review or special land use process. The need/reason for the deviation shall be provided, in writing, by the applicant. If a deviation is requested at after the initial approval, a new approval process shall be required.

Charter Township of



# Article 8

## Zoning Board of Appeals

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### Section 800 Creation & Membership

There is hereby established a Zoning Board of Appeals which shall perform its duties and exercise its powers as provided in **Section 601 of Act 110 of Public Acts 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 five (5) members.

#### A. Regular Members.

1. The first member shall be a member of the Township Planning Commission for the terms of his office.
2. The remaining members must be selected from the electors of the Township residing outside of incorporated cities and villages 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 of Trustees.
3. An employee or contractor of the Township Board of Trustees may not serve as a member or an employee of the Zoning Board of Appeals.

#### B. Officers.

The Chairperson of the Zoning Board of Appeals shall be elected from among any of its members each year at the first regular meeting held at the beginning of each calendar year. An elected officer of the Township shall not serve as Chairperson.

#### C. Alternates.

1 Title & Purpose	2 Definitions	3 General Provisions	4 District Regulations	5 Site Plan Review & Plot Plans
6 Special Land Use Review	7 Supplemental Regulations	8 Zoning Board of Appeals	9 Administration & Enforcement	10 Adoption & Amendments

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 two (2) or more consecutive meetings of the Zoning Board of Appeals or for a period of more than thirty (30) consecutive days. 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.

#### D. Terms of Office.

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 Township Board, whose terms shall be limited to the time they are members of the Planning Commission or Township Board. When members are first appointed, the appointments may be for less than three (3) years to provide for staggered terms so that not more than three (3) terms expire in any given year. 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.

#### E. Removal of ZBA Member.

A member of the Zoning Board of Appeals may be removed by the legislative body for misfeasance, malfeasance, or nonfeasance in office upon written charges and after public hearing. A member shall ask to be disqualified from a vote in which the member has a conflict of interest. Failure of a member to ask to be disqualified from a vote in which the member has a conflict of interest constitutes malfeasance in office.

## Section 801 Meetings

#### A. Meeting Scheduling and Notice.

1. Meetings of the Zoning Board of Appeals shall be held at the call of the Chairperson, in response to the receipt of a Request for Appeal, and at such other times as such Board may determine or specify in its rules or procedure.
2. Public notice of the date, time, and place of a public meeting of the Board shall be given in the manner prescribed in **Section 907**.

#### B. Open Meetings and Rules of Procedure.

All hearings conducted by said Board shall be open to the public in compliance with the **Open Meetings**

<b>1</b> Title & Purpose	<b>2</b> Definitions	<b>3</b> General Provisions	<b>4</b> District Regulations	<b>5</b> Site Plan Review & Plot Plans
<b>6</b> Special Land Use Review	<b>7</b> Supplemental Regulations	<b>8</b> Zoning Board of Appeals	<b>9</b> Administration & Enforcement	<b>10</b> Adoption & Amendments

**Act, 1976 P.A. 267, as amended.**

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.

**C. Quorum and Majority Vote.**

1. 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.
2. The concurring vote of a majority of the members of the Zoning Board of Appeals shall be necessary to reverse any order, requirement, decision, or determination of the Zoning Administrator, or to decide in favor of an applicant any matter upon which they are required to pass under this Ordinance or to effect any variation of this Ordinance.

## Section 802 Procedures

**A. Request for Appeal.**

1. An appeal from the ruling of the Township Zoning Administrator or Planning Commission concerning the enforcement or administration of the provisions of this Ordinance may be taken to the Zoning Board of Appeals within such time as shall be prescribed by said Zoning Board of Appeals by a general rule. Such appeal may be taken by any person, firm, or corporation, or by any Officer, Department, Board, or Bureau of the Township.
2. 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 thereof.
3. The applicant shall submit seven (7) copies of a completed application, with associated fees, surveys, plans, and data as required under **Article 5**, or other information deemed reasonably necessary for making any informed decision on his or her appeal, not less than thirty (30) days prior to the date of the hearing. An electronic copy of surveys, plans, and data shall be required.
4. **Fees.** Fees shall be paid at the time of application pursuant to **Section 904**.
5. The Zoning Administrator shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from was taken.

**B. Stay.**

An appeal shall stay all proceedings in furtherance of the action appealed from unless the Building Inspector certifies to the Zoning Board of Appeals, after notice of appeal shall have been filed with him,

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that by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property, in which case the proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Zoning Board of Appeals or by the Circuit Court, on application, on notice of the Zoning Administrator, and on due course shown.

#### C. Hearing & Public Notice.

1. **Date and Public Hearing Notice.** The Zoning Board of Appeals shall make no recommendations except in a specific case and after a public hearing conducted by said Board. The Zoning Board of Appeals shall fix a reasonable time for the hearing of the appeal. Upon determination of the date and time of the Public Hearing, the Zoning Administrator shall give public notice pursuant to **Section 907**.
2. **Appearance.** Any person may appear and testify at the hearing either in person or by duly authorized agent or attorney. The Zoning Board of Appeals shall have the power to require the attendance of witness, administer oaths, compel testimony, and otherwise cause the production of books, papers, files, and other evidence pertaining to matters properly coming before the Zoning Board of Appeals.

#### D. Decision.

1. **Final Decision.** The final decision of such appeal shall be in the form of a motion reversing, modifying, or affirming, wholly or partly, the decision or determination appealed from. Reasons for the decision must be stated. A decision or variance granted by the Zoning Board of Appeals runs with the land and shall be valid after transfer of property ownership.
2. **Conditions.** The ZBA 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 909 – Conditions**.
3. **Appeal to Circuit Court.** The decision of the Zoning Board of Appeals shall not be final, and any person having an interest affected by any this Ordinance shall have the right to appeal to the Circuit Court on questions of law and fact.

## Section 803 Jurisdiction & Standards

#### A. Exercising Powers.

In exercising the powers listed below, the Zoning Board of Appeals may reverse or affirm wholly or partly, or may modify the order, requirement, decision, or determination appealed from and may make such order, requirement, decision, or determination as ought to be made, and to that end shall have all the powers of the Zoning Administrator or Planning Commission from whom the appeal is taken.

#### B. Jurisdiction.

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The Zoning Board of Appeals shall have the following powers:

1. **Appeals from Aggrieved Persons.** To hear and decide appeals made by any person who alleges he or she has been aggrieved by or where it is alleged there is error of law in any order, requirement, decision, or determination made by the Zoning Administrator or Planning Commission in the administration or enforcement of this Ordinance.
2. **Dimensional Variances.** The ZBA 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:
  - a. 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.
  - b. The need for the requested variance is not the result of action of the property owner or previous property owners (self-created).
  - c. That strict compliance with regulations governing area, setback, frontage, height, bulk, density, or other dimensional requirements will unreasonably prevent the property owner from using the property for a permitted purpose or will render conformity with those regulations unnecessarily burdensome.
  - d. 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 a substantial relief to the property owner and be more consistent with justice to other property owners.
  - e. 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.
3. **Use Variances.** Where, owing to special conditions, a literal enforcement of the use provisions of this Ordinance would cause unnecessary hardships within the meaning of this Ordinance, the Board shall have power upon appeal in specific cases to authorize such variations or modifications of the use provisions of this Ordinance with such conditions and safeguards as it may determine, as may be in harmony with the spirit of this Ordinance and so that public safety and welfare be secured and substantial justice done. No such variance or modification of the use provisions of this Ordinance shall be granted unless it appears beyond a reasonable doubt that all the following facts and conditions exist:



- a. That there are exceptional or extraordinary circumstances or conditions applicable to the property involved or to the intended use of the property that do not apply generally to other properties or class of uses in the same district or zone.
  - b. That such variance is necessary for the preservation and enjoyment of a substantial property right possessed by other property in the same zone and vicinity.
  - c. That the granting of such variance or modification will not be materially detrimental to the public welfare or materially injurious to the property or improvements in such zone or district in which the property is located.
  - d. The immediate hardship causing the need for the use variance was not created by the property owner or previous property owners (self-created).
4. **Interpretation.** To interpret the location of zoning district boundaries and may interpret the provisions of this Ordinance.
  5. **Appeal from Revocation of Site Plan Approval.** Pursuant to **Section 505.B**, a property owner may appeal the revocation of a site plan approval within sixty (60) days of receiving notice of site plan revocation from the Planning Commission.
  6. **Public Utilities.** Permit the erection and use of a building or use of premises for public utility purposes and make exceptions to the height and bulk district requirements herein established which said Board considers necessary for the public convenience or welfare.
  7. **Special Land Uses and Planned Unit Developments.** The ZBA has jurisdiction to hear appeals from Planning Commission decisions concerning Special Land Uses and Planned Unit Developments.
- C. **Standard for All Appeals and Variances.** In consideration of all appeals and all proposed variations to this Ordinance the Zoning Board of Appeals shall, before making any variations from the Ordinance in a specific case, first determine that the proposed variation will not impair an adequate supply of light and air to adjacent property, or unreasonably increase the congestion in public streets, or increase the danger of fire or endanger the public safety, or unreasonably diminish or impair established property values within the surrounding area, or in any other respect impair the public health, safety, comfort, morals, or welfare of the inhabitants of the Township.
  - D. **No Power of Amendment.** Nothing herein contained shall be construed to give or grant to the Board the power or authority to alter or change the Zoning Ordinance or the Zoning Map, such power and authority being reserved to the Township Board of the Township in the manner hereinafter provided by law.

## Section 804 Time Limits on ZBA Decisions

### A. Time Limit on Decisions Permitting Construction.

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 such erection or alteration is started and proceeds to completion in accordance with the terms of such permit.

### B. Time Limit on Decisions Permitting Uses.

No order of the Zoning Board of Appeals permitting the use of a building or premises shall be valid for a period longer than one (1) year unless such use is established within such period, provided, however, that where such use permitted is dependent upon the erection or alteration of a building, such order shall continue in force and effect if a building permit for said erection or alteration is obtained within such period.

## Section 805 Resubmittal

No application for a variance, interpretation, or appeal which has been decided, in whole or in part, by the Zoning Board of Appeals shall be re-submitted for a period of one (1) year from the date of such decision, unless a rehearing is granted pursuant to **Section 910** of this Ordinance.

Charter Township of



# Article 9

## Administration & Enforcement

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### Section 900 Administration of Ordinance

Except where herein otherwise stated, the provisions of this Ordinance shall be administered by the Zoning Administrator or by such deputies of his/her department as the Zoning Administrator may delegate to enforce the provisions of this Ordinance.

### Section 901 Duties of Zoning Administrator

- A. The Zoning Administrator shall have the power to grant building and occupancy permits, to make inspections of buildings or premises necessary to carry out his duties in the enforcement of this Ordinance. It shall be unlawful for the Zoning Administrator to approve any plans or issue any permits or certificates of occupancy for any excavation or construction until he/she has inspected such plans in detail and found them to conform to this Ordinance.
- B. 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 his duties as Zoning Administrator.
- C. 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.
- D. The Zoning Administrator shall assist the Planning Commission and the Zoning Board of Appeals in the processing and administering of all site plans, zoning appeals and variances, Special Land Uses, and amendments to the Zoning Ordinance.

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- E. **Permit Revocation.** After giving notice to correct a violation of the Ordinance, the Zoning Administrator shall have the right to revoke a permit/zoning approval if the violation is not corrected within a reasonable period of time.
- F. **Review Applications for Planning Commission Submittal.** The Zoning Administrator shall receive and review for completeness all applications for site condominium projects, site plan review, and Special Land Uses which the Planning Commission are required to decide under this Ordinance and refer such applications to the Planning Commission for determination.
- G. **Review Applications for Zoning Board of Appeals Submittal.** The Zoning Administrator shall receive and review for completeness all applications for appeals, variances, or other matters which the Zoning Board of Appeals is required to decide under this Ordinance and refer such applications to the Zoning Board of Appeals for determination.
- H. **Review Applications for Ordinance Amendment.** The Zoning Administrator shall receive and review for completeness all applications for amendments to this Ordinance and refer such applications to the Planning Commission and Township Board for determination.

## Section 902 Permits

The following shall apply in the issuance of any permit:

### A. Permits not to be Issued.

No building permit shall be issued for the erection, alteration, or use of any building or structure or part thereof, or for the use of any land which is not in accordance with all provisions of this Ordinance.

### B. Permits for New Use of Land.

No land heretofore vacant shall hereafter be used or an existing use of land be hereafter changed to a use of a different class or type unless a building permit is first obtained for the new or different use.

### C. Permits Required.

No building or structure, or part thereof, shall be hereafter erected, altered, moved, or repaired unless a building permit shall have been first issued for such work. The terms "altered" and "repaired" shall include any changes in structural parts, stairways, type of construction, type, class or kind of occupancy, light or ventilation, means of egress and ingress, or other changes affecting or regulated by the Michigan Uniform Construction Code, the Housing Law of Michigan, or this Ordinance, except for minor repairs or changes not involving any of the aforesaid features. Permits shall not be required for the erection of farm buildings which are not for human habitation.

### D. Property Staked.

1. The location of the property boundaries and all structures shall be staked on the ground for Zoning Administrator approval prior to the issuance of a permit.
2. The holder of every building permit for the construction, erection, alteration, repair, or moving of any building, structure, or part thereof, shall notify the Zoning Administrator immediately upon the completion of the work authorized by such permit, for a final inspection.

## Section 903 Certificates of Occupancy

No land, building, or part thereof, shall be occupied by or for any use for which a building permit is required by this Ordinance, unless and until a Certificate of Occupancy shall have been issued for such new use. The following shall apply in the issuance of any certificate:

### A. Certificates not to be issued.

No certificates of occupancy pursuant to an effective and applicable Building Code shall be issued for any building, structure, or part thereof, or for the use of any land, which is not in accordance with all the provisions of this Ordinance.

### B. Certificates Required.

No building or structure, or parts thereof, which is hereafter erected or altered, shall be occupied or used or the same caused to be done, unless and until a Certificate of Occupancy shall have been issued for such building or structure.

Certificates of Occupancy as required by the effective Michigan Uniform Construction Code for new buildings or structures shall also constitute Certificates of occupancy as required by this Ordinance.

### C. Certificates for Existing Buildings.

Certificates of Occupancy will be issued for existing buildings, structures, or parts thereof, or existing uses of land, if after inspection it is found that such buildings, structures, or parts thereof, of such use of land, are in conformity with the provisions of this Ordinance.

### D. Temporary Certificates.

Nothing in this Ordinance shall prevent the issuance of a temporary Certificate of Occupancy for a portion of a building or structure in process of erection or alteration, provided that such temporary Certificate shall not be effective for a period of time in excess of six (6) months, and provided further that such portion of the building, structure, or premises is in conformity with the provisions of this Ordinance.

### E. Records of Certificates.

A record of all certificates issued shall be kept on file and copies shall be furnished upon request to any person having a proprietary or tenancy interest in the property involved.

#### F. **Certificates for Dwelling Accessory Buildings.**

Buildings accessory to dwellings shall not require separate certificates of occupancy but may be included in the certificate of occupancy for the dwelling when shown on the plot plan and when completed at the same time as such dwelling.

#### G. **Application for Certificates.**

Application for certificates of occupancy shall be made in writing to the Zoning Administrator on forms furnished by the Township and such certificates shall be issued within ten (10) days after receipt of such application if it is found that the building or structure, or part thereof, or the use of land is in accordance with the provisions of this Ordinance. If such certificate is refused for cause, the applicant therefore, shall be notified of such refusal and cause thereof within the aforesaid ten (10) day period.

### **Section 904 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 related, but not limited to, to the following:
1. Special Land Uses.
  2. Appeals to or requests for interpretations by the Zoning Board of Appeals. Appeals and requests for interpretations initiated by the Township Board, the Planning Commission, or the Zoning Administrator shall not be subject to a zoning fee.
  3. Classification of unlisted property uses.
  4. Requests for variances from the Zoning Board of 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, the Zoning Board of Appeals, or the Zoning Administrator shall not be subject to a zoning fee.
  6. Site plan reviews.
  7. Requests for a planned unit development (PUD).

8. Any other discretionary decisions by the Planning Commission, Zoning Board of Appeals, or Township Board.
- 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 time spent by the members of the Planning Commission and/or Zoning Board of Appeals. Such fee may be used to reimburse another party retained by the Township to provide expert consultation and advice regarding the application. The Township may return any unused portion of the fee to the applicant. Any costs of special meetings called to review site plans shall be borne by the applicant. 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 the applicant withdraws an application or appeal.
- C. **Additional Fees.**
1. If the Zoning Administrator, 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 Zoning Administrator, 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, then the applicant shall deposit, with the Township Treasurer, such additional zoning fees in an amount determined by the Zoning Administrator equal to the estimated additional costs.
  2. 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 (10%) percent of the initial escrow deposit or less than ten (10%) percent 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 Zoning Administrator to be equal to the estimated costs to complete the review or decide the appeal.
  3. Failure of the applicant to make any escrow deposit required under this Ordinance shall be deemed to make the application incomplete or the appeal procedurally defective thereby justifying the denial of the application or the dismissal of the appeal.
  4. 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.
  5. 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 certificate or prior to the final decision on an appeal.



**Section 905 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, the completion of conditions imposed by the Planning Commission which are located within the development, and site restoration. 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 or 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 906 Conflicting Regulations

### A. Conflicting Regulations and Rules.

In interpreting and applying the provisions of this Ordinance, they shall be held to be the minimum requirements for the promotion of the public health, safety, convenience, comforts, morals, prosperity, and general welfare. It is not intended that this Ordinance interfere with or abrogate or annul any ordinances, rules, regulations, or permits previously adopted or issued, nor is it intended by this Ordinance to interfere with or abrogate or annul any easements, covenants, or other agreements between parties.

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 law or ordinance, then the provisions of this Ordinance shall govern except where legally superseded by such law or ordinance. Whenever the provisions of any other law or ordinance impose more stringent requirements than are imposed or required by this Ordinance, then the provisions of such law or ordinance shall govern. Where any provision of this Ordinance differs from any other provision of this Ordinance, the more restrictive requirement shall prevail.

### B. Conflicting Graphics, Tables, and Text.

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.

## Section 907 Public Notification

All applications for development approval requiring a public hearing shall comply with the **Michigan Zoning Enabling Act, 2006 PA 110** as amended, MCL 125.3101 et. seq. 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 Zoning Administrator shall be responsible for preparing the content of the notice, having it published in a newspaper of general circulation in the Charter Township of Alpena 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 a rezoning, text amendment, Special Land Use, planned unit development, variance, appeal, Ordinance interpretation, or other purpose.

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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. **Date, Time, and Location.** 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. **Notice.**

1. Except as noted in **Section 907.C.2** and **Section 907.C.3** below, notices for all public hearings shall be given as follows:
  - a. Notice of the hearing shall be not less than fifteen (15) days before the date of the public hearing.
  - b. Notice of the hearing shall be published in a newspaper of general circulation.
  - c. Notice shall be sent by mail or personal delivery to the owners of property for which approval is being considered and the applicant, if different than the owner(s) of the property.
  - d. Notice shall also be sent by mail to all persons to whom real property is assessed within three hundred (300') feet of the property and to the occupants of all structures within three hundred (300') feet of the property regardless of whether the property or occupant is located in the zoning jurisdiction.
    - (1) If the name of the occupant is not known, the term "occupant" may be used in making notification under this Subsection.
    - (2) 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.

2. Newspaper publication as required in **Section 907.C.1** above shall be the only notice required for an amendment to the Zoning Ordinance or the zoning map that affects eleven (11) or more properties.
3. For Ordinance interpretations and appeals of administrative decisions by the Zoning Board of Appeals notice that does not affect a specific property shall be only to the applicant and by newspaper publication, as required in **Section 907.C.1** above.
4. **Notice Deemed Given.** Notice shall be deemed given when personally delivered or by its deposit in the United States mail, first class, properly addressed, and postage paid. The Zoning Administrator shall prepare a list of property owners and registrants to whom notice was mailed, as well as of anyone to whom personal notice was delivered.
5. **Registration to Receive Notice by Mail.**
  - a. **General.** Each electric, gas, and pipeline utility company, each railroad, each telecommunication service provider, and the airport manager of each airport may register its name and address with the Township to receive written notice of all public hearings. The Township Clerk shall be responsible for providing this notification, as established by the Township Board.
  - b. **Requirements.** The requesting party must provide the Zoning Administrator information to ensure notification can be made.

## Section 908 Use of Consultants

From time to time, the Township Board, Planning Commission, and/or Zoning Board of Appeals may employ planning, engineering, legal, traffic, or other special consultants to assist in the review of Special Land Uses, site plans, rezonings, or other matters related to the planning and development of the Township.

## Section 909 Conditions

The Planning Commission and Zoning Board of Appeals may attach reasonable conditions on discretionary zoning decisions under their 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

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promote the use of land in a socially and economically desirable manner. Any conditions imposed, however, shall meet all of the following requirements. Conditions shall:

- A. Be designed to protect natural resources, the health, safety, and welfare and 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 910 Rehearing

### A. Rehearing Performed by Planning Commission or ZBA.

The Planning Commission or Zoning Board of Appeals may grant a rehearing under exceptional circumstances for any decision made by it. Exceptional circumstances shall mean any of the following:

- 1. The applicant who brought the matter before the Planning Commission or Zoning Board of Appeals made misrepresentations concerning a material issue, which was relied upon by the Planning Commission or Zoning Board of Appeals in reaching its decision.
- 2. There has been a material change in circumstances regarding the Planning Commission's or Zoning Board of Appeals' findings of fact, which occurred after the 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 applicants' last known address, or may be served personally on the applicant. The notice must be served at least nine (9) days before the time set for the hearing if served by mail, or at least seven (7) days before the time set for the hearing if served by personal service. Service by mail shall be complete upon mailing. In addition to serving the above notice on the applicant, all other notice requirements for the type of decision being heard shall be completed before the Planning Commission or Zoning Board of Appeals holds a hearing at which it considers whether to grant a rehearing.
4. If the Planning Commission or Zoning Board of Appeals grants a rehearing, then the rehearing shall not be held until all notice requirements for the type of decision being reheard have been satisfied.

## Section 911 Violations & Penalties

- A. The violation by any person, persons, firm, corporation, or association, or by anyone acting on behalf of any such person, persons, firm, corporation, or association, of any provision of this Ordinance is hereby designated as a municipal civil infraction.
- B. The Charter Township of Alpena Supervisor, the Charter Township of Alpena Building Inspector, and the Charter Township of Alpena Zoning Administrator are hereby designated as authorized local officials who shall administer and enforce this Ordinance and who are authorized to issue municipal civil infraction citations.
- C. "Municipal Civil Infraction" means a civil infraction as defined by Section 113 of the **Revised Judicature Act of 1961, being Act No. 236 of the Public Acts of 1961**, as amended (the Act), involving a violation of this Ordinance.
- D. "Citation" means a written complaint or notice to appear in court upon which an authorized local official records the occurrence or existence of one or more municipal civil infractions by the person, form, corporation, or association cited (the "defendant").
- E. "Municipal Civil Infraction Action" means a civil action in which the defendant is alleged to be responsible for a municipal civil infraction.
- F. A municipal civil infraction action may commence upon the issuance, by an authorized local official, of a citation directing the defendant to appear in court.

- G. A citation shall be issued and served by an authorized local official in accordance with provisions of Section 8707 and 8709 of the Act.
- H. A citation shall contain the information required under Section 8709 of the Act.
- I. An authorized local official may issue a citation to a defendant if the official witnesses a defendant commit a violation of this Ordinance; or if, based upon investigation, the official has reasonable cause to believe that the defendant committed a violation of this Ordinance, or based upon investigation of a complaint by someone who allegedly witnessed the defendant commit a violation of this Ordinance, the official has reasonable cause to believe that the defendant is responsible for a violation of this Ordinance, and the Township Attorney approves in writing the issuance of the citation.
- J. Failure of the defendant to appear within the time specified on a citation or at the time scheduled for a hearing or appearance is a misdemeanor punishable by up to ninety (90) days in jail and/or up to a \$500.00 fine plus costs of the prosecution, and will result in entry of a default judgment against the defendant on the municipal civil infraction.
- K. A defendant found responsible by the judge or magistrate for a violation of this Ordinance shall pay a fine not to exceed \$500.00 plus costs of not less than \$9.00 nor more than \$500.00, which are not limited to the costs taxable in ordinary civil actions and may include all expenses, direct and indirect, to which the Township has been put in connection with the municipal civil infraction, up to the entry of judgment. Except as otherwise provided by law, costs shall be payable to the general fund of the Township. In addition to ordering a defendant to pay a civil fine and costs, the court may issue and enforce any judgment, writ, or order necessary to enforce this Ordinance, in accordance with Section 8302 of the Act.
- L. If a defendant fails to comply with an order or judgment issued pursuant to Section 8727 of the Act within the time prescribed by the court, the court may proceed under Sections 8302, 8729, and 8731 of the Act, as applicable.
- M. If a defendant does not pay a civil fine or costs or an ordered installment within thirty (30) days after the date on which payment is due in a municipal civil infraction action brought for a violation involving the use or occupation of land or a building or other structure, the Township may obtain a lien against the land, building, or structure involved in the violation by recording a copy of the court order requiring payment of the fine and costs with the register of deeds for Alpena County. The court order shall not be recorded unless a legal description of the property is incorporated into or attached to the court order. A lien is effective immediately upon recording of the court order with the register of deeds. The court order recorded with the register of deeds shall constitute notice of the pendency of the lien. In addition, a written notice of the lien shall be sent by the Township by first-class mail to the owner of record of the land, building, or structure at the owner's last known address. The lien may be enforced and discharged by the Township in the manner prescribed by Section 8731 of the Act.
- N. Each day on which any violation of this Ordinance continues constitutes a separate offense and shall be subject to the applicable fine, costs, penalties, and sanctions as a separate offense.



O. In addition to any remedies available by law, the Township may bring an action for an injunction or other process against a defendant to restrain, prevent, or abate any violation of this Ordinance.

**P. Stop Work Order.**

If construction or land uses are being undertaken contrary to zoning approval by the Township, the **Michigan Zoning Enabling Act, 2006 PA 110, as amended**, 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 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 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 criminal or civil prosecution for failure to obey the order.

**Section 912 Action Table**

The following table is a summary of basic requirements for various administrative actions under this Zoning Ordinance. It supplements the preceding text, but is not a substitute for it.

Type of action	Parties who may initiate action	Body making decision	Public hearing required	Published notice(s)- Number of days before hearing	Mailed notice to all owners and occupants within 300 feet - Days before hearing	Body to which applicant may appeal a denial
Plot plan approval, home occupations, signs, accessory structures, temporary dwellings	Applicant	ZA	No	-----	-----	ZBA
Site plan approval	Applicant	PC	No	-----	-----	ZBA
Special Land Uses	Applicant	PC	Yes	Not less than 15 days	Not less than 15 days	ZBA
Planned unit development	Applicant	PC	Yes	Not less than 15 days	Not less than 15 days	ZBA
Variance	Applicant	ZBA	Yes	Not less than 15 days	Not less than 15 days	Circuit Court
Interpretation	Applicant, PC, or ZA	ZBA	Yes	Not less than 15 days	Not less than 15 days	Circuit Court
Appeal from decision	Any aggrieved party	ZBA	Yes	Not less than 15 days	Not less than 15 days	Circuit Court
Rezoning or Text Change (Amendment)	Applicant, PC	Step 1: PC recommends to TB	Yes	Not less than 15 days	Not less than 15 days	No action until after TB decision
		Alpena County Planning Commission reviews amendment & provides comment (30 days)				
		Step 2: TB	No	-----	-----	-----
		Step 3: TB publishes Notice of Adoption in newspaper (within 15 days after adoption). Rezoning (map amendment) goes into effect on the 8 <sup>th</sup> day after publication.				
Zoning Ordinance Enforcement	ZA	-----	-----	-----	-----	ZBA
ZA = Zoning Administrator    PC = Planning Commission    TB = Township Board    ZBA = Zoning Board of Appeals						

**1** Title & Purpose**2** Definitions**3** General Provisions**4** District Regulations**5** Site Plan Review & Plot Plans**6** Special Land Use Review**7** Supplemental Regulations**8** Zoning Board of Appeals**9** Administration & Enforcement**10** Adoption & Amendments

Charter Township of



# Article 10

## Adoption & Amendments

Sec	Name	Pg
1000	Amendment to this Ordinance	10-1
1001	Amendment Procedures	10-1
1002	Rezoning Standards	10-3
1003	Conditional Rezoning	10-3
1004	Vested Right	10-7
1005	Validity/Severance Clause	10-7
1006	Repeal & Savings Clause	10-7
1007	Enactment & Effective Date	10-8

### Section 1000 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 the **Michigan Zoning Enabling Act, 2006 PA 110, as amended.**
- B. The regulations and provisions stated in the text of this Ordinance and the boundaries of zoning districts shown on the Charter Township of Alpena Zoning Map may be amended, supplemented, or changed by action of the Township Board following a recommendation from the Township Planning Commission.
- C. Proposals for amendments, supplements, or changes may be initiated by the Township Board on its own motion, by the Township Planning Commission, or by petition of one (1) or more owners of property to be affected by the proposed amendment.

### Section 1001 Amendment Procedures

The procedure to be followed for initiating and processing an amendment shall be as follows:

#### A. Filing of Amendment Petition.

Each application, 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. Applications shall be submitted at least twenty-one (21) days prior to the meeting date at which the public

<b>1</b> Title & Purpose	<b>2</b> Definitions	<b>3</b> General Provisions	<b>4</b> District Regulations	<b>5</b> Site Plan Review & Plot Plans
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hearing will be held.

**B. Planning Commission Action.**

1. The Zoning Administrator shall transmit the amendment request to the Planning Commission.
2. 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.
3. **Public Hearing.** Before ruling on any proposal the Planning Commission shall conduct at least one (1) public hearing, notice of the time and place of which shall be given pursuant to **Section 907**.
4. **Submission to County Planning Commission.** Following the public hearing, the Township Planning Commission shall submit the proposed amendment including any zoning map changes to the County Planning Commission. If the recommendation of the County Planning Commission has not been received within thirty (30) days after the receipt of the amendment by the County, it shall be conclusively presumed that the County has waived its right for review.
5. **Submission to Township Board.** The Township Planning Commission shall submit a final report/recommendation to the Township Board along with a summary of the comments received at the public hearing.

**C. Township Board Action.**

1. **Additional Public Hearing.** The Township Board may hold additional public hearings if they decide it is necessary. Notice of such hearing shall be published in a newspaper, which circulates in the Township not less than fifteen (15) days before the hearing. The Township Board may adopt or reject any proposed amendment, or refer back to the Planning Commission for further review as prescribed in the **Michigan Zoning Enabling Act, 2006 PA 110, as amended**.
2. **Notice of Adoption.** 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 take effect on the eighth (8<sup>th</sup>) day after publication or at a later date as may be specified by the Township Board at the time of adoption.

**D. Resubmittal.**

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 1002 Rezoning Standards

In reviewing an application for the rezoning of land, factors that should be considered by the Planning Commission and the Township Board include, but are not limited to:

- A. Whether the rezoning is consistent with the policies and uses proposed for that area in the Township's Master Plan.
- B. Whether all of the uses allowed under the proposed rezoning would be compatible with other zones and uses in the surrounding area.
- C. Whether any public services and facilities would be significantly adversely impacted by a development or use under the requested rezoning.
- D. Whether the uses allowed under the proposed rezoning would be equally or better suited to the area than uses allowed under the current zoning of the land.

## Section 1003 Conditional Rezoning

### A. Intent.

It is recognized that there are certain instances where it would be in the best interests of the Township, as well as advantageous to property owners seeking a change in zoning boundaries, if certain conditions could be proposed by property owners as part of a request for a rezoning. It is the intent of this Section to provide a process consistent with Section 405 of the **Michigan Zoning Enabling Act (Act 110 of the Public Acts of 2006, as amended)** (MCL125.3405) by which an owner seeking a rezoning may voluntarily propose conditions regarding the use and/or development of land as part of the rezoning request.

### B. Application and Offer of Conditions.

1. An owner of land may voluntarily offer in writing conditions relating to the use and/or development of land for which a rezoning is requested. This offer may be made either at the time the application for rezoning is filed or may be made at a later time during the rezoning process.
2. The required application and process for considering a rezoning request with conditions shall be the same as that for considering rezoning requests made without any offer of conditions, except as modified by the requirements of this Section.
3. The owner's offer of conditions may not authorize uses or developments not permitted in the requested new zoning district.
4. The owner's offer of conditions shall bear a reasonable and rational relationship to the property for which rezoning is requested.

**1** Title & Purpose

**2** Definitions

**3** General Provisions

**4** District Regulations

**5** Site Plan Review & Plot Plans

**6** Special Land Use Review

**7** Supplemental Regulations

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5. Any use or development proposed as part of an offer of conditions that would require a Special Land Use approval, variance, or site plan approval under the terms of this Ordinance may only be commenced if the Special Land Use approval, variance, or site plan approval for such use or development is ultimately granted in accordance with the provisions of this Ordinance.
6. The offer of conditions may be amended during the process of rezoning consideration provided that any amended or additional conditions are entered voluntarily by the owner. An owner may withdraw all or part of its offer of conditions any time prior to final rezoning action of the Township Board provided that, if such withdrawal occurs subsequent to the Planning Commission's public hearing on the original rezoning request, then the rezoning application shall be referred to the Planning Commission for a new public hearing with appropriate notice and a new recommendation.

#### **C. Planning Commission Review.**

The Planning Commission, after public hearing as set forth in **Section 306 of Act 110 of the Public Acts of 2006** and consideration of the factors set forth in **Section 1002** of this Ordinance, may recommend approval, approval with recommended changes, or denial of rezoning, provided, however, that any recommended changes to the offer of conditions are acceptable to and thereafter offered by the owner.

#### **D. County Planning Commission Review.**

Following the public hearing before the Township Planning Commission, the conditional rezoning application shall be submitted to the County Planning Commission for not more than thirty (30) day review period, according to the provisions of **Section 307 of Act 110 of the Public Acts of 2006**.

#### **E. Township Board Review.**

After receipt of the Planning Commission's recommendation, the Township Board shall deliberate upon the requested conditional rezoning and may approve or deny the request. Should the Township Board consider amendments to the proposed conditional rezoning advisable and if such contemplated amendments to the offer of conditions are acceptable to and thereafter offered by the owner, then the Township Board shall, in accordance with **Section 401 of Act 110 of the Public Acts of 2006**, refer such amendments to the Planning Commission for a report thereon within a time specified by the Township Board, and proceed thereafter in accordance with said statute to deny or approve the conditional rezoning with or without amendments.

#### **F. Approval.**

1. If the Township Board finds the rezoning request and offer of conditions acceptable, the offered conditions shall be incorporated into a formal written Statement of Conditions acceptable to the owner and conforming in form to the provisions of this Section. The Statement of Conditions shall

be incorporated by attachment or otherwise as an inseparable part of the Ordinance adopted by the Township Board to accomplish the requested rezoning.

2. The Statement of Conditions shall:
  - a. Be in a form recordable with the Alpena County Register of Deeds, or as an alternative, be accompanied by a recordable Affidavit or Memorandum prepared and signed by the owner giving notice of the Statement of Conditions in a manner acceptable to the Township Board.
  - b. Contain the legal description and tax identification number of the land to which it pertains.
  - c. Contain a statement acknowledging that the Statement of Conditions runs with the land and is binding upon successor owners of the land.
  - d. Incorporate by attachment or reference any diagram, plans, or other documents submitted or approved by the owner that are necessary to illustrate the implementation of the Statement of Conditions. If any such documents are incorporated by reference, the reference shall specify where the document may be examined.
  - e. Contain a statement acknowledging that the Statement of Conditions or an Affidavit or Memorandum giving notice thereof may be recorded by the Township with the County Register of Deeds.
  - f. Contain the notarized signatures of all owners of the subject land preceded by a statement attesting to the fact that they voluntarily offer and consent to the provisions contained within the Statement of Conditions.
3. Upon the rezoning taking effect, the Zoning Map shall be amended to reflect the new zoning classification along with a designation that the land was rezoned with a Statement of Conditions. The Township Clerk shall maintain a listing of all lands rezoned with a Statement of Conditions.
4. The approved Statement of Conditions or an Affidavit or Memorandum giving notice thereof shall be filed by the Township with the County Register of Deeds. The Township Board shall have authority to waive this requirement if it determines that, given the nature of the conditions and/or the timeframe within which the conditions are to be satisfied, the recording of such a document would be of no material benefit to the Township or to any subsequent owner of the land.
5. Upon the rezoning taking effect, the use of the land so rezoned shall conform thereafter to all the requirements regulating use and development within the new zoning district as modified by any more restrictive provisions contained in the Statement of Conditions.

**G. Compliance with Conditions.**



1. Any person who establishes a development or commences a use upon land that has been rezoned with conditions shall continuously operate and maintain the development or use in compliance with all the conditions set forth in the Statement of Conditions. Any failure to comply with a condition contained within the Statement of Conditions shall constitute a violation of this Ordinance and be punishable accordingly.
2. No permit or approval shall be granted under this Ordinance for any use or development that is contrary to an applicable Statement of Conditions.

#### **H. Time Period for Establishing Development or Use.**

Unless another time period is specified in the Ordinance rezoning the subject land, the approved development and/or use of the land pursuant to building or other required permits must be commenced upon the land within twenty-four (24) months after the rezoning took effect and thereafter proceeded diligently to completion. This time limitation may, upon written request, be extended by the Township Board if (1) it is demonstrated to Township Board's reasonable satisfaction that there is a strong likelihood that the development and/or use will commence within the period of extension and proceed diligently thereafter to completion, and (2) the Township Board finds that there has not been a change in circumstances that would render the current zoning with Statement of Conditions incompatible with other zones and uses in the surrounding area or otherwise inconsistent with sound zoning policy.

#### **I. Reversion of Zoning.**

If approved development and/or use of the rezoned land does not occur within the timeframe specified under **Subsection H** above, then the land shall revert to its former zoning classification. The reversion process shall be initiated by the Township Board requesting that the Planning Commission proceed with consideration of rezoning of the land to its former zoning classification. The procedure for considering and making this reversionary rezoning shall be the same as applies to all other rezoning requests.

#### **J. Subsequent Rezoning of Land.**

When land that is rezoned with a Statement of Conditions is thereafter rezoned to a different zoning classification or to the same zoning classification, but with a different or no Statement of Conditions, whether as a result of a reversion of zoning pursuant to **Subsection I** above or otherwise, the Statement of Conditions imposed under the former zoning classification shall cease to be in effect. Upon the owner's written request, the Township Clerk shall record with the County Register of Deeds that the Statement of Conditions is no longer in effect.

#### **K. Amendment of Conditions.**

1. During the time period for commencement of an approved development and/or use specified pursuant to **Subsection H** above or during any extension thereof granted by the Township Board, the Township shall not add to or alter the conditions in the Statement of Conditions.

2. The Statement of Conditions may be amended thereafter in the same manner as was prescribed for the original rezoning and Statement of Conditions.

**L. Township Right to Rezone.**

Nothing in the Statement of Conditions or in the provisions of this Section shall be deemed to prohibit the Township from rezoning all or any portion of land that is subject to a Statement of Conditions to another zoning classification. Any rezoning shall be conducted in compliance with this Ordinance and the **Michigan Zoning Enabling Act (Act 110 of the Public Acts of 2006, as amended)**.

**M. Failure to Offer Conditions.**

The Township shall not require any owner to offer conditions as a requirement for rezoning. The lack of an offer of conditions shall not affect an owner's rights under this Ordinance.

## **Section 1004 Vested Right**

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

## **Section 1005 Validity/Severance Clause**

This Ordinance and the various parts, articles, sections, subsections, and clauses thereof are hereby declared to be severable. If any part, sentence, paragraph, subsection, section, or clause is adjudged unconstitutional or invalid, it is hereby provided that the remainder of the Ordinance as a whole or any part thereof shall not be affected thereby.

## **Section 1006 Repeal & Savings Clause**

- A. This Ordinance repeals and replaces any previous Charter Township of Alpena Zoning Ordinance in its entirety.
- B. The repeal of any Charter Township of Alpena Zoning Ordinance, as provided, shall not affect any rights acquired, fines, penalties, forfeitures, 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 1007 Enactment & Effective Date**

<b>1</b> Title & Purpose	<b>2</b> Definitions	<b>3</b> General Provisions	<b>4</b> District Regulations	<b>5</b> Site Plan Review & Plot Plans
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**Draft 1-14-20**

- A. This Ordinance was adopted on \_\_\_\_\_ by the Charter Township of Alpena Board of Trustees and will be effective \_\_\_\_\_. The foregoing Zoning Ordinance and Zoning Map were presented at public hearings before the Planning Commission on \_\_\_\_\_ and then the Township Board on \_\_\_\_\_.
- B. Amendments or revision to this Ordinance or Map of Zoning Districts shall become effective eight (8) days after publication, or a specified later date, of a notice of adoption of said amendments or revisions within fifteen (15) days of adoption in accordance with the **Michigan Zoning Enabling Act, 2006 PA 110, as amended**.

I hereby certify that the above Ordinance was adopted by the Charter Township of Alpena Board of Trustees at a regular meeting held on \_\_\_\_\_, 2020.

\_\_\_\_\_  
Charter Township of Alpena Clerk

Published: \_\_\_\_\_ Effective Date: \_\_\_\_\_

Affidavit of Publication Required.