# ZONING ORDINANCE

# MARATHON TOWNSHIP

**Lapeer County, Michigan**

## Ordinance No. 200

**As Adopted by the Marathon Township Board**
**March 14, 2019**

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# PREAMBLE

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

# Article 1
# TITLE and PURPOSE

## Section 1.01 TITLE

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

## Section 1.02 PURPOSE

**A.** It is the purpose of this Zoning Ordinance to:

1. Regulate the use of land and structures to meet the needs of the state's citizens for food, fiber, energy, and other natural resources, places of residence, recreation, industry, trade, service, and other uses of land in accordance with the land's character and adaptability.
2. Ensure that the use of land is situated in appropriate locations and relationships.
3. Limit the inappropriate overcrowding of land and congestion of population, transportation systems, and other public facilities.
4. Facilitate adequate and efficient provision for transportation systems, sewage disposal, water, energy, education, recreation, and other public service and facility requirements.
5. Promote public health, safety, and welfare including the conservation of property values and natural resources including wooded areas, wetlands, water resources and farmland.
6. Implement the goals, objectives and policies of the Marathon Township Master Plan adopted pursuant to the Planning Enabling Act, Public Act 33 of 2008, as amended.
7. Advance all other purposes as authorized by the Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended.

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**End of Article 1**

# Article 2
# INTERPRETATION, SEVERABILITY, VESTED RIGHT, and REPEAL

## Section 2.01 INTERPRETATION

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

## Section 2.02 SEVERANCE CLAUSE

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

## Section 2.03 VESTED RIGHT

Nothing in this Ordinance should be construed to give rise to any permanent vested rights in the continuation of any particular zoning district or any permissible activities therein. Zoning districts shall be subject to subsequent amendment as may be necessary to protect the public health, safety, and welfare.

## Section 2.04 REPEAL

The former Marathon Township Zoning Ordinance, being Ordinance Number 100, adopted on February 12, 1980, and all amendments thereto, are hereby repealed in their entirety.

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**End of Article 2**

# Article 3
# ADMINISTRATION, ENFORCEMENT, and PENALTIES

## Section 3.01 PURPOSE

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

## Section 3.02 RESPONSIBILITY for ADMINISTRATION

The administration and enforcement of this Ordinance shall be the responsibility of the Township Board, the Planning Commission, and such personnel as designated by the Township Board in accordance with P.A. 110 of 2006, as amended, the "Michigan Zoning Enabling Act"; and this Ordinance. The Zoning Administrator shall serve under such terms and at such rate of compensation as the Township Board may determine.

## Section 3.03 DUTIES of the ZONING ADMINISTRATOR

**A.** Under no circumstances is the Zoning Administrator permitted to make changes in this Ordinance, nor to vary the terms of this Ordinance while carrying out the duties prescribed herein. It shall be the responsibility of the Zoning Administrator to enforce the provisions of this Ordinance and in doing so shall perform, at a minimum, the following duties:

1. Issue Permits: All applications for Zoning Permits, including permits for special uses, temporary uses and temporary dwellings; variances; appeals; requests for Ordinance interpretation; and requests for changes to a nonconforming use shall be submitted to the Zoning Administrator who may issue such permits when all applicable provisions of this Ordinance have been met and approval has been granted by the proper body or official.
2. File of Applications: The Zoning Administrator shall maintain files of all permit applications, and shall keep a record of all permits issued; these shall be filed in the office of the Township Clerk and shall be open for public inspection.
3. Inspections: The Zoning Administrator shall be empowered to make inspections of buildings or premises in order to carry out the enforcement of this Ordinance. No person shall molest the Zoning Administrator in the discharge of his/her duties. The Zoning Administrator, with Township Board approval, may seek a search warrant through the Township Attorney any time a property owner refuses access to a property in order to make an inspection to determine compliance with this Ordinance.
4. Record of Complaints: The Zoning Administrator shall keep a record of every complaint of a violation of any of the provisions of this Ordinance, and of the action taken consequent to each complaint; such records shall be open for public inspection.
5. Reports: The Zoning Administrator shall report to the Planning Commission and Township Board periodically, as requested by such bodies, on activities pertaining to the issuance of Zoning Permits and complaints of violation and actions taken on such complaints.

## Section 3.04 PERMIT PROCEDURES and REGULATIONS

**A. Zoning Permit Application Required for Construction:** No excavation shall be initiated, no building shall be erected, altered, moved or structural alterations (including but not limited to porches, decks, patios or terraces) initiated until a Zoning Permit has been issued by the Zoning Administrator and, where required, a Building Permit has been issued by the Building Inspector. No Zoning Permit shall be issued for any building or use of land where the construction, addition, alteration, or use thereof would be in violation of this Ordinance, except upon written order of the Zoning Board of Appeals. An application for a Zoning Permit shall be available from the Township Office.

**B. Plot Plan / Site Plan:** An application for a Zoning Permit shall include the submittal of a Plot Plan or Site Plan. The preparation and review of such submittal shall comply with the provisions of Article 4. Upon approval of such plan, a Zoning Permit will be issued except as may be provided otherwise in this Ordinance.

**C. Application Fees:** Fees for plan reviews, permits, certificates of occupancy and similar requirements of this Ordinance shall be established by motion of the Township.

**D. Permit Issuance, Withholding, Expiration, and Revocation.**

1. Issuance: Whenever the buildings, structures, and uses as set forth in any application are in conformity with the provisions of this Ordinance, or a variance granted by the Zoning Board of Appeals, the Zoning Administrator shall issue the appropriate permit after being directed to do so by the designated approving body or official. A performance guarantee may be required as a condition to the issuance of any Zoning Permit in order to insure conformance with the requirements of this Ordinance *(see Section 3.06).* In any case where a permit is refused, the reasons shall be stated in writing to the applicant.
2. Withholding Permit: The Zoning Administrator may withhold any Zoning Permit pending verification that an applicant has received required county, state or federal permits including but not limited to septic and water well permits; soil erosion and sedimentation control permits; wetlands permits; flood plain and culvert permits; driveway permits; or building permits. Likewise, wherever this Ordinance authorizes permit approval by the Planning Commission or Township Board, the Planning Commission or Township Board may condition final approval of the requested development activity upon the receipt of any of the above mentioned county, state or federal approvals and/or direct the Zoning Administrator not to issue a Zoning Permit until said permits from other agencies have been obtained.
3. Expiration of Permit:
    a. **Permit Expiration Period:** A zoning permit, including the approved plot plan or site plan upon which the permit is based and a Special Land Use, shall expire after one (1) year from the date of granting such permit unless the development proposed or activity authorized shall have passed its first building inspection by the Building Inspector.
        1) Where a zoning permit does not provide for a building or structure, such as may be the case with a mineral extraction operation, platted subdivision or site condominium, the zoning permit shall become null and void after one (1) year from the date of granting such permit unless the approving body finds that the owner or developer is maintaining a good faith intention to proceed with the authorized use.
            a) In the case of an extraction operation, the determination of a good faith intention to proceed shall consider such factors as the extent of any completed fencing, berming or other screening as may have been required, the extent to which material has been extracted from the site, and similar measures demonstrating a commitment to the authorized use.
            b) In the case of a platted subdivision or site condominium, the determination of a good faith intention to proceed shall consider such factors as to the extent of clearing, preliminary grading, and survey staking of roads and drives, and such permit shall become null and void after two (2) years from the date of granting such permit unless utilities and access ways, including roads, have been completed.
    b. **Extension of Permit Expiration Period:** The body that approved a zoning permit may waive or extend the period of time in which the permit is to expire, for multiple periods with each period not to exceed one (1) year, if it is satisfied that the owner or developer is maintaining a good faith intention to proceed with construction and even though the permit and plot/site plan may not comply with the most current standards of this Ordinance due to amendments since the issuance of the permit. In the case of a multi-phased project, the expiration of a zoning permit for a specific phase shall similarly result in the expiration of all zoning permits previously granted for subsequent phases.
        1) In the case where the original zoning permit is to expire more than three (3) years following the initial issuance of the permit, no extension shall be granted unless the body that approved the permit finds that surrounding conditions and land uses, and the most current standards of this Ordinance, continue to support the adequacy of the plot/site plan, and the owner or developer is maintaining a good faith intention to proceed with construction.
    c. **Reapplication:** Should a zoning permit expire, such use, building and/or activity shall not be initiated or continued except upon reapplication, subject to the provisions of all ordinances in effect at the time of reapplication. Upon expiration of the zoning permit, failure to terminate the use for which the permit was issued is declared to be a nuisance per se and a violation of this Ordinance.
4. Revocation: The Zoning Administrator shall have the power to revoke or cancel any Zoning Permit in case of failure or neglect to comply with any provisions of this Ordinance, or in the case of any false statement or misrepresentation made in the application. The owner or his agent shall be notified of such revocation in writing. Upon such revocation, all further construction activities and usage shall cease upon the site, other than for the purpose of correcting the violation. The Zoning Administrator may issue a stop work order to halt all construction activities and usage pending a decision on revocation of said permit. Failure to terminate the use for which the permit was revoked, other than for the purpose of correcting the violation is declared to be a nuisance per se and a violation of this Ordinance. Revocation of a permit issued for a

special land use or variance shall not occur until a hearing has been held by the body which granted the permit.

**E. Occupancy Permit:** No structure or use shall be occupied without first receiving a certificate of occupancy permit from the Building Inspector.

## Section 3.05 VIOLATIONS and PENALTIES

Any person, firm, or corporation who violates any of the provisions of this Ordinance is responsible for a municipal civil infraction, subject to payment of a civil fine of not less than fifty dollars ($50.00), plus costs and other sanctions, for each infraction. Repeat offenses under this Ordinance shall be subject to increased fines as provided by Ordinance No. 96-2.

## Section 3.06 PERFORMANCE GUARANTEE for COMPLIANCE

**A. Performance Guarantee Requirements:** A performance guarantee in the form of a cash deposit, bank letter of credit, or performance bond, may be required to insure compliance with the requirements for any site plan, special land use approval, or variance.

**B. Amount of Performance Guarantee**: The amount of the performance guarantee shall be equal to ten percent (10%) of the estimated cost of construction, but in no event shall the performance guarantee amount be less than $5,000.00. The estimated cost of construction shall be based upon an estimate submitted by the engineer for the applicant and shall be reviewed and approved by the Zoning Administrator. The performance guarantee shall be submitted prior to the issuance of any building permits.

**C. Release of Performance Guarantee or Bond:** Upon the issuance of a final certificate of occupancy by the Zoning Administrator, any unused portions of the performance guarantee shall be released to the applicant.

## Section 3.07 PUBLIC HEARING NOTICES

**A. Performance Guarantee Requirements:** A performance guarantee in the form of a cash deposit, bank letter of credit, or performance bond, may be required to insure compliance with the requirements for any site plan, special land use approval, or variance.

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

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

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

1. To the general public, by publication of the hearing notice in a newspaper of general circulation in the Township.
2. To the owners of property for which approval is being considered, and the applicant if the applicant is different than the property owner, by mail or personal delivery.
3. To all persons to whom real property is assessed within 300 feet of the boundary of the project subject to the request, and to the occupants of all structures within 300 feet of the property, regardless of whether the property or occupant is located in Marathon Township, by mail or personal delivery. If the name of the occupant is not known, the term "occupant" may be used in making notification.
    a. Subsection (3) above shall not apply in the case of rezoning requests involving eleven (11) or more adjacent properties or an ordinance interpretation request that does not involve a specific property.
    b. If a single structure contains more than four (4) dwelling units or other distinct spatial areas owned or leased by different persons, a single notice may be given to the manager or owner of the structure and such person shall be requested to post the notice at the primary entrance to the

structure.

4. To each electric, gas, and pipeline public utility company, each telecommunication service provider, each railroad operating within the district or zone affected, and the airport manager of each airport, that registers its name and mailing address with the Township Clerk for the purpose of receiving the notice of public hearing, by mail. Such notifications need only be provided in the case of text amendments or zoning map amendments to this Ordinance.
5. To any neighborhood organization that registers its name and mailing address with the Township Clerk for the purpose of receiving all or specific notices of public hearings, by mail. Such requests must be renewed every two (2) years to maintain hearing notifications. Fees may be assessed by the Township Board for the provision of these notifications.

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

**End of Article 3**

# Article 4
# PROCEDURES for PLOT PLAN and SITE PLAN REVIEW

## Section 4.01 PURPOSE

It is the purpose of this Article to specify standards, application and data requirements, and the review process which shall be followed in the preparation of site plans and plot plans as required by this Ordinance. These procedures are incorporated into the Zoning Permit application process to ensure that the Zoning Administrator and Planning Commission is afforded an opportunity to review and evaluate proposed uses of sites with regard to such considerations as parking and vehicular circulation, drainage, screening, and conformance with all applicable provisions and standards of this Ordinance.

## Section 4.02 APPROVAL of SITE PLAN or PLOT PLAN REQUIRED

**A. Planning Commission Approval for Site Plans:** Site plan approval is required by the Planning Commission, prior to the issuance of a Zoning Permit, for the following land uses:

1. All uses permitted by right within any commercial or industrial zoning district.
2. All special land uses, as specified in each zoning district.
3. All uses for which this Ordinance requires four (4) or more off street parking spaces.
4. All single and two family developments subject to the platting requirements of P.A. 591 of 1996, the Land Division Act, as amended.
5. All condominium subdivisions subject to P.A. 59 of 1978, the Condominium Act, as amended.

**B. Zoning Administrator Approval for Plot Plans:** Plot Plan approval is required by the Zoning Administrator, prior to the issuance of a Zoning Permit, for all other uses not listed in Section 4.02 (A) above. The Zoning Administrator shall review such plans in accordance with the same standards used by the Planning Commission as specified in Section 4.05.

## Section 4.03 DATA REQUIRED

**A. Plot Plans:** An accurate, readable, scale drawing showing the following shall be submitted with applications for Zoning Permits for uses requiring plot plan review, except in the case of minor alterations and repair, as determined by the Zoning Administrator.

1. Name, address and telephone number of the applicant (and owner if different).
2. A survey showing property dimensions and legal description, including angles, lot area and dimensions, and an arrow pointing north. The Zoning Administrator may waive the requirement for a survey if he determines that there are no potential setback issues or other issues which need to be resolved by a survey.
3. The location, dimensions, height and bulk of the existing and/or proposed structures to be erected, altered, or moved on the lot.
4. Dimensions of yards, parking lots and space dimensions, and the number of spaces.
5. A description of proposed use(s) of the building(s), land and structures.
6. The proposed number of sleeping rooms, dwelling units, and employees, as applicable.
7. Configuration of the driveway and parking areas.
8. Existing public right-of-ways or easements.
9. A vicinity sketch showing the location of the site in relation to the surrounding street system, and adjacent land uses within three hundred (300) feet in every direction including on the opposite side of any public thoroughfare.
10. Any other information deemed necessary by the Zoning Administrator to determine zoning ordinance compliance and provide for the enforcement of this Ordinance.

**B. Site Plan:** A site plan shall be submitted as part of a Zoning Permit application for uses listed in Section 4.02(A). The site plan shall be provided on a professional quality drawing of scale not less than 1"=100'. All information depicted shall be designed by a professional engineer, land surveyor, or landscape architect licensed in Michigan and the seal of such designer shall be affixed. The site plan shall provide the following data:

1. Name, address and telephone number of the applicant (and owner if different).
2. A survey showing property dimensions and legal description, including angles, lot area and dimensions, and an arrow pointing north.
3. Existing natural features such as woodlands, streams, flood plains, county drains, lakes or ponds, topography (at two-foot intervals on-site and within one hundred fifty (150) feet of the site) and existing man-made features such as roads and structures, with indication as to which are to be retained and which removed or altered. The Planning Commission may waive or alter the requirement for topography mapping if the Planning Commission determines that topography mapping is not necessary in light of the nature or location of the project.
4. Existing public right-of-way, private easements of record, and deed restrictions.
5. Project description, including the location, dimensions, height and bulk of the existing and/or proposed structures to be erected, altered, or moved on the property; the total number of structures, units, bedrooms, and offices; the square feet associated with each building and use including total and usable floor area; carports and garages; employees by shift; amount of recreational and open space and the type of recreation facilities to be provided, and related information as pertinent or otherwise required by this Ordinance.
6. Proposed streets and alleys, (including cross-sections), acceleration, deceleration or right turn lanes, driveways, parking spaces, sidewalks, with indication of direction of travel, the inside radii of all curves including driveway curb returns. The width of streets, driveways and sidewalks, the total number of parking spaces, and dimensions of a typical individual parking space and associated aisles. Proposed traffic control measures (including signs) and proposed street or road names shall also be indicated.
7. Location of utilities, water supply and the location and design of waste water systems as well as any easements that exist or are proposed to be established for installation, repair and maintenance of utilities.
8. Proposed location and dimensions of accessory structures, including trash receptacles.
9. Proposed location of free standing and wall signs, including construction details of such signs.
10. A landscaping plan indicating the locations of plant materials to be preserved and locations of proposed planting and screening, fencing, and lighting in compliance with the requirements of Article 23, Landscaping and Screening. Also, proposed locations of common open spaces, if applicable.
11. A plan identifying how storm water is to be collected and discharged.
12. Location of exterior drains, dry wells, catch basins, retention and/or detention areas, sumps and other facilities designed to collect, store or transport storm water or waste water. The point of discharge for all drains and pipes shall also be specified on the site plan.
13. Location and specifications for any existing or proposed above or below ground storage facilities for any chemicals, salts, flammable materials, or hazardous materials as well as any containment structures or clear zones required by government authorities.
14. A statement from the applicant identifying all federal, state and local permits required, if any.
15. A vicinity sketch showing the location of the site in relation to the surrounding street system and other land uses within three hundred (300) feet in every direction of the proposed use including land uses on the opposite side of any public thoroughfare(s).
16. Such other information as is necessary to enable the Planning Commission to determine whether the proposed site plan will conform to the provisions of this Ordinance.

**C.** The Zoning Administrator may establish and make available written guidelines as to the scale and level of detail needed for applications for various types of uses requiring a Zoning Permit, or for information to be submitted to the Zoning Board of Appeals in order to make a decision on an appeal, request for Ordinance interpretation or variance.

## Section 4.04 PLOT PLAN and SITE PLAN REVIEW PROCEDURES

**A. Submittal and Distribution of Plot Plans and Site Plans:** At least twelve (12) copies of a site plan, or five (5) copies of a plot plan where a plot plan is required, and same number of Zoning Permit application forms, shall be submitted to the Zoning Administrator. The Zoning Administrator shall review the application forms and plans for completeness and if such materials are not complete according to Section 4.03, the materials shall be returned to the applicant with a written notice identifying the inadequacies. Upon receipt of the adequately completed plans and zoning permit application forms, the Zoning Administrator shall record the date of their receipt and transmit seven (7) copies of the site plan to the Planning Commission; one (1) copy to the Fire Department, one (1) copy to the Township Clerk, and the remaining shall be retained by the Zoning Administrator. In the case of a plot plan, the Zoning Administrator shall retain all copies.

**B. Review:**

1. Plot Plan: The Zoning Administrator shall review the application and plans and determine their conformity with the applicable provisions of this Ordinance and the provisions of Section 4.05.
2. Site Plan: The Planning Commission shall review the application and plans and determine their conformity with the applicable provisions of this Ordinance and the provisions of Section 4.05.

**C. Action:**

1. Plot Plan: After conducting a review, the Zoning Administrator shall reject, approve, or conditionally approve the plot plan as it pertains to requirements and standards contained in the Zoning Ordinance. Any conditions required by the Zoning Administrator shall be stated in writing and shown on the plot plan, and delivered to the applicant. A plot plan shall be approved if it contains the information required by, and is in compliance with this Ordinance, the conditions imposed pursuant to the Ordinance, other Township planning documents, other applicable ordinances, and state and federal statutes. See Section 25.12 regarding conditional approvals.
2. Site Plan: After conducting a review, the Planning Commission shall reject, approve, or conditionally approve the site plan as it pertains to requirements and standards contained in the Zoning Ordinance, other Township planning documents, other applicable ordinances, and state and federal statutes. Any conditions required by the Planning Commission shall be stated in writing and shown on the site plan, and delivered to the applicant. See Section 25.12 regarding conditional approvals.

**D. Approved Plot Plans and Site Plans:** At least three (3) copies of an approved plot plan or site plan, with any conditions contained within, shall be maintained as part of the Township records for future review and enforcement. One (1) copy shall be returned to the applicant. For identification of the approved plans, each copy shall be signed and dated with the date of approval by the Chairperson of the Planning Commission, or by the Zoning Administrator in the case of a plot plan. If any variances from the Zoning Ordinance have been obtained from the Zoning Board of Appeals, the minutes concerning the variances, duly signed, shall also be filed with the Township records as a part of the plot plan or site plan and delivered to the applicant for information and direction.

## Section 4.05 PLOT PLAN and SITE PLAN APPROVAL STANDARDS

Each plot plan and site plan shall conform with the applicable provisions of this Ordinance including the standards listed below:

**A.** Applicable provisions of:

1. Article 20, Signs
2. Article 21, Off-Street Parking and Loading
3. Article 22, Access Control
4. Article 23, Landscaping and Screening
5. Article 24, Environmental Protection
6. Article 25, General Provisions

**B.** All elements of the Plan shall be harmoniously and efficiently organized in relation to topography, the size and type of lot, the character of adjoining property and the type and size of buildings. The site shall be so developed as not to impede the normal and orderly development or improvement of surrounding property for uses permitted in this Ordinance.

**C.** The landscape shall be preserved in its natural state, insofar as practical, by minimizing tree, other vegetative material, and soil removal, and by topographic modifications which are in keeping with the general appearance of adjacent and surrounding uses and development.

**D.** The removal of storm waters shall not increase off-site sedimentation or otherwise adversely affect neighboring properties due to flooding.

**E.** All buildings or groups of buildings shall be so arranged as to permit emergency access by some practical means to all sides.

**F.** Every structure or dwelling unit shall have access to a public street, walkway, or other area dedicated to common use.

**G.** There shall be provided a pedestrian circulation system which is insulated as completely as reasonably possible from the vehicular circulation system.

**H.** The arrangement of public or common ways for vehicular and pedestrian circulation shall respect the pattern of existing or planned streets and pedestrian or bicycle pathways in the area. Streets and drives which are part of an existing or planned street pattern which serves adjacent development shall be of a width appropriate to the traffic volume they will carry and shall have a dedicated right-of-way according to the standards of the Lapeer County Road Commission and, where applicable, the Tuscola and Genesee County Road Commissions.

**I.** All parking areas shall be so designed to facilitate efficient and safe vehicular and pedestrian circulation, minimize congestion at access and egress points to intersecting roads, including the use of service drives as appropriate, and minimize the negative visual impact of such parking areas.

**J.** Residential and nonresidential development shall not include unnecessary curb cuts and shall use shared drives and/or service drives unless precluded by substantial practical difficulties.

**K.** The site plan shall provide for the appropriate location of all necessary and proposed utilities. Locational requirements shall include underground facilities to the greatest extent feasible.

**L.** Site plans shall conform to all applicable requirements of state and federal statutes.

**M.** The applicant shall demonstrate that reasonable precautions will be made to prevent hazardous materials from entering the environment including:

1. General purpose floor drains shall only be allowed if they are approved by the responsible agency for connection to a public sewer system, an on-site closed holding tank (not a septic system), or regulated through a State of Michigan ground water discharge permit.
2. State and federal agency requirements for storage, spill prevention, record keeping, emergency response, transport and disposal of hazardous substances shall be met. No discharges to ground water, including direct and indirect discharges, shall be allowed without required permits and approvals.

## Section 4.06 PRELIMINARY SKETCH PLAN REVIEW OPTION

An applicant may seek approval of a sketch plan, subject to a fee as determined by the Township Board, the purpose of which is to receive approval of the general design and layout of the project prior to preparing a detailed site plan.

**A. Sketch Plan Application:** Applications for sketch plan approval shall be submitted to the Zoning Administrator and shall consist of the following:

1. A completed application form supplied by the Zoning Administrator, with the number of copies required by Township Board policy.
2. A sketch plan at a scale of not less than one (1) inch equals one hundred (100) feet with the number of copies required by Township Board policy, and containing the following minimum information:.
    a. Property dimensions.
    b. Significant vegetation.
    c. Water courses and water bodies, including man-made surface drainage ways.
    d. Existing public right of way, pavements, and/or private easements.
    e. Existing uses, buildings, structures, and lots.
    f. Proposed uses and general location of buildings, structures, and lots.
    g. Zoning classification of all properties within three hundred (300) feet.
    h. The name and address of the person and firm who prepared the plan and the date on which the plan was prepared.

**B. Planning Commission Review and Action:** The Planning Commission shall review the sketch plan and grant preliminary approval, approval with conditions, or denial of the plan, based on compliance with the standards of Section 4.05. If given preliminary approval, the applicant may submit a final site plan.

**C. Approval Period:** Approval of the sketch plan is valid for a period of one (1) year. If a final site plan has not been submitted during that period, the approval of the sketch plan shall be null and void.

## Section 4.07 CONFORMITY to APPROVED SITE PLANS

Property which is the subject of site plan approval must be developed in strict compliance with the approved site plan and any approved amendments thereto. If construction and development does not conform with such approved plans, the approved Zoning Permit shall be revoked by the Zoning Administrator pursuant to the procedure in Section 3.04(E)(4). Upon revocation of such approval, all construction activities shall immediately cease upon the site, other than for the purpose of correcting the violation.

## Section 4.08 CHANGES and APPEALS

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

1. Major Changes: Major changes or amendments to an approved site plan shall include changes in excess of five (5) feet in the location of walkways, vehicular circulation ways and parking areas, or exterior building and structure walls; the number and location of accesses to public streets and alleys; a reduction in the number of parking spaces or an increase of more than four (4) parking spaces; an increase in the gross floor area or heights of buildings or number of dwelling units; a reduction in open space; and similar changes. Major changes shall require approval in the same manner as the original site plan application was submitted, reviewed, and approved and subject to the finding of all of the following:
    a. Such changes will not adversely affect the initial basis for granting approval;
    b. Such changes will not adversely affect the overall project in light of the intent and purpose of such development as set forth in this Article; and
    c. Such changes shall not result in the reduction of open space area as required herein.
2. Minor Changes: Minor changes to an approved site plan shall include changes not otherwise included as a major change in (A)(1) above and may be approved by the Zoning Administrator. Approved changes shall be clearly specified in writing and signed by the Zoning Administrator. The Zoning Administrator shall keep accurate records of approved changes. The Zoning Administrator may defer action to the Planning Commission.

**B. Changes to a Plot Plan:** The Zoning Administrator shall review proposed changes to an approved Plot Plan in the same manner as the original plot plan application was submitted, reviewed, and approved.

**C. Appeals:** With regard to site plan and plot plan approval decisions, an appeal may be taken to the Zoning Board of Appeals in the manner as other administration decisions.

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**End of Article 4**

# Article 5
# PROCEDURES for SPECIAL LAND USES

## Section 5.01 PURPOSE

It is the purpose of this Ordinance to provide a set of procedures and standards for specific uses of land or structures that will allow, on one hand, practical latitude for the investor or developer, but that will, at the same time, promote the intent and purpose of this Zoning Ordinance, and insure that the land use or activity authorized shall be compatible with adjacent uses of land, the natural environment, and the capacities of public services and facilities affected by the land uses. In order to provide control and reasonable flexibility, this Article permits detailed review of certain specified types of land use activities which, because of their particular and unique characteristics, require special consideration in relation to the welfare of adjacent properties and to the community as a whole. Land uses and structures possessing these characteristics may be authorized within certain zoning districts by the issuance of a Zoning Permit for a Special Land Use.

## Section 5.02 PROCEDURES for SPECIAL LAND USES

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

**A. Submission of Application:** Any person having an ownership interest in the subject property may file an application for one or more Zoning Permits for a special land use as provided for in this Ordinance. The number of copies of an application required by Township Board policy shall be submitted through the Zoning Administrator on a special form for that purpose. Each application copy shall be accompanied by a site plan prepared pursuant to Section 4.03(B). The application shall be accompanied by the payment of a fee as established by the Township Board to cover costs of processing the application.

**B. Check for Completeness and Accuracy:** Within ten (10) working days of the receipt of the application, the Zoning Administrator shall determine whether it is in proper form and contains all required information for the Planning Commission to determine compliance with the applicable standards of Section 5.06.

**C. Forwarding of Application to Planning Commission:** Upon certification by the Zoning Administrator that the site plan and application form appear to be complete, seven (7) copies of the application and site plan shall be forwarded to the Planning Commission. The Zoning Administrator may also submit copies of the site plan to any other agencies considered to be impacted by the application for the special land use.

**D. Planning Commission Action:**

1. Application Review and Public Hearing:
   a. The Planning Commission shall review the site plan and special land use application and set a public hearing date. The Planning Commission shall publish a notice of public hearing according to Section 3.07.
2. Planning Commission Decision and Basis for Decision: Upon review of the special land use application, all supporting materials, and the hearing, the Planning Commission shall approve, deny, or approve with conditions the special land use application and site plan. Action on the application by the Planning Commission shall be incorporated in a statement of findings and conclusions relative to the Special Land Use application that specifies the basis for the decision and any conditions of approval.. In arriving at its decision, the Planning Commission shall refer to and be guided by those standards set forth in Section 5.06. See Section 25.12 regarding conditional approvals.

## Section 5.03 APPEALS

An appeal on a special land use application decision may be taken to the Zoning Board of Appeals. The decision of the Zoning Board of Appeals may be further appealed to the circuit court as may be provided by law.

## Section 5.04 REAPPLICATION

No application for a Zoning Permit for a special land use which has been denied wholly or in part by the Planning Commission shall be resubmitted until the expiration of one (1) year or more from the date of such denial, except on the grounds of newly-discovered evidence or proof of changed conditions. A reapplication shall require a new fee and the process will follow all provisions of Section 5.02.

## Section 5.05 AMENDMENTS

**A. Site Plan:** The site plan, as approved, shall become part of the record of approval, and subsequent actions shall be consistent with the approved site plan. Amendments to the approved Site Plan shall comply with the application and review procedures of Section 4.08.

**B. Use or Activity:** A change in the character of the use or activity from what the originally approved Zoning Permit for special land use authorized shall not occur until such change is applied for and approved according to the application and review procedures of this Article and all other applicable sections of this Ordinance. Changes requiring a new application and review procedure include, but shall not be limited to:

1. the addition of land to the legal description of the original special land use permit;
2. the establishment of another special land use(s).
3. the addition of more sales or service area, or the addition of dwelling units; and
4. an expansion or increase in intensity of use.

## Section 5.06 APPROVAL STANDARDS

**A.** Each application for a special land use shall be reviewed for the purpose of determining that the land use or activity which may be authorized shall be compatible with adjacent uses of land, the natural environment, and the capacities of public services and facilities affected by the land use. The land use or activity shall be consistent with the public health, safety, and welfare of the Township and shall comply with the following standards:

1. Be harmonious with and in accordance with the Master Plan of the Township.
2. Be harmonious with and in accordance with the general objectives, intent and purposes of this Ordinance.
3. Be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such a use will not change the essential character of the area in which it is proposed. In determining whether this requirement has been met, consideration shall be given to:
   a. The bulk, placement, and materials of construction of proposed structures.
   b. Pedestrian and vehicular circulation.
   c. The location of vehicular use or parking areas.
4. Not be hazardous or disturbing to existing or future uses in the same general vicinity.
5. Be served adequately by essential public facilities and services, such as highways, streets, police, fire protection, drainage structures, refuse disposal, water and sewage facilities and schools, and minimize the impact of traffic generated by the proposed development on adjacent properties
6. Not involve uses, activities, processes, materials and equipment or conditions of operation that will be detrimental to any person, property or general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors.
7. Meet the site plan approval standards of Article 4.
8. Conform with all applicable county, state and federal requirements for that use.

**B.** Each application for a special land use shall be reviewed for the purpose of determining that the land use or activity conforms to the specific site development requirements identified in Article 18.

**End of Article 5**

# Article 6
# ZONING BOARD of APPEALS

## Section 6.01 PURPOSE

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

## Section 6.02 CREATION and MEMBERSHIP

**A. Establishment and Appointment of Members:** The ZBA previously created under the Marathon Township Zoning Ordinance adopted on February 12, 1980, as amended, shall continue to function under this Ordinance, and each member shall remain in office until such time that the member is not reappointed or otherwise no longer eligible to serve. The ZBA is retained in accordance with Public Act 110 of 2006 as amended. The ZBA shall consist of five (5) members, appointed by the Township Board by majority vote. One (1) of the members shall be a member of the Planning Commission. One (1) regular or alternate member of a ZBA may be a member of the Township Board but shall not serve as the chairperson. The remaining regular members, and any alternate members, shall be selected from the electors of the Township residing within. The members selected shall be representative of the population distribution and of the various interests present in the Township. An employee or contractor of the Township Board may not serve as a member of the ZBA.

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

**C. Terms of Appointment:** ZBA members, including alternate members, shall be appointed for three (3) year terms except in the case of a Planning Commission and/or Township Board member serving on the ZBA, whose terms on the ZBA shall be limited to the time they are members of the Planning Commission or Township Board. A successor shall be appointed not more than one (1) month after the term of the preceding member has expired. Vacancies for unexpired terms shall be filled for the remainder of the term in the same manner as the original appointment. Members may be reappointed.

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

## Section 6.03 ORGANIZATION

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

**B. Meetings and Quorum:** Meetings of the ZBA shall be held at the call of the chairperson and at such other times as the ZBA in its rules of procedure may specify. A majority of the regular membership of the ZBA shall comprise a quorum, which may include an alternate member(s) sitting in for a regular member(s). The ZBA shall not conduct official business unless a quorum is present. All meetings shall be open to the public and conducted pursuant to the requirements of the Open Meetings Act (P.A. 267 of 1976, as amended).

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

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

**E. Legal Counsel:** The Township Attorney shall act as legal counsel for the ZBA.

## Section 6.04 JURISDICTION

The ZBA shall act upon questions as they arise in the administration of this Ordinance and take other actions as specified in this Ordinance. The ZBA shall perform its duties and exercise its powers as provided in Public Act 110 of 2006, as amended. The ZBA shall not have the power to alter or change the zoning district classification of any property, nor make any change in the terms or intent of this Ordinance, but shall have the power to act on those matters so specified in this Ordinance including Ordinance interpretations, variances, and the review of an order, requirement, decision, or determination made by an administrative official or body charged with the administration or enforcement of this Ordinance.

## Section 6.05 APPEALS for ADMINISTRATIVE REVIEWS

**A. Authority:** The ZBA shall hear and decide appeals where it is alleged by the appellant that there is an error in any order, requirement, permit, or decision by the Zoning Administrator or by any other body or official in administering or enforcing the provisions of this Ordinance. Within this capacity the ZBA may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination of such body or official. The ZBA shall have all the powers of the body or official that made the decision subject to the appeal. This authority shall not extend to decisions on Special Land Use applications and ordinance amendment petitions.

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

1. Was arbitrary or capricious.
2. Was based upon an erroneous finding of a material fact.
3. Constituted an abuse of discretion.
4. Was based upon erroneous interpretation of the Zoning Ordinance or zoning law.
5. Required procedures were not followed.

**C. Procedures:**

1. Application Requirements: A written application for an appeal for administrative review shall be completed and filed with the Zoning Administrator on forms established for that purpose, within twenty-one (21) days after the date of the meeting during which the meeting minutes addressing the decision being appealed was approved. Application for an administrative review shall specify, at a minimum, the name, address, and phone number of the applicant; the decision being appealed; and the basis for the appeal. A minimum of eight (8) copies of the application shall be submitted along with any required application fees.
2. Stay: An appeal of an administrative decision shall stay all proceedings in furtherance of the action appealed unless the officer or body from whom the appeal is taken certifies to the ZBA, after the notice of appeal is filed, that by reason of facts stated in the certification, a stay would in the opinion of the officer or body would cause imminent peril to life or property. If such a certification is filed, the proceedings shall only be stayed by a restraining order. A restraining order may be granted by the ZBA or by the circuit court, on application, on satisfactory demonstration of due cause.
3. Record of Facts / Transmission of Record: Upon receipt of an application for administrative review, the officer or body that made the decision being appealed shall transmit to the ZBA all papers constituting the record associated with the decision being appealed. In hearing and deciding administrative appeals, the ZBA's review shall be based upon the record of the administrative decision being appealed.
    a. The ZBA shall not consider new information which had not been presented to the administrative official or body that made the decision subject to the appeal except where the ZBA first remands the matter back to the body that made the original administrative decision with an order to consider the new information and affirm or modify its original decision.
4. Hearing: Upon receipt of an application, the chairperson of the ZBA shall fix a reasonable time and date for a hearing, taking into account adequate time for members of the ZBA to review the application prior to such hearing. Notice of the hearing shall comply with Section 3.07. Upon the hearing, any party may appear in person or by agent or attorney. See subsection (5) regarding participation at the hearing by a member of the ZBA who is also a member of the Planning Commission or the Township Board.
5. Decision: The ZBA shall render a decision in the form of a motion containing a full record of the findings and determination of the ZBA and basis for such determination, and shall be made part of the meeting minutes. The concurring vote of a majority of the members of the ZBA shall be necessary to reverse or otherwise modify the action subject to the appeal. A member of the ZBA who is also a member of the Planning Commission or the Township Board shall not participate in a public hearing, deliberation, or vote, on the same matter that the member voted on as a member of the Planning Commission or the

Township Board. However, the member may consider and vote on other unrelated matters involving the same property.

## Section 6.06 INTERPRETATIONS

**A. Authority:** The ZBA shall hear and decide upon requests to interpret the provisions of this Ordinance when it is alleged that certain provisions are not clear or that they could have more than one meaning, including the determination of the precise location of the boundary lines between zoning districts, application of off-street parking requirements for a specific use, and whether a particular use is authorized in a particular district.

**B. Standards:** In deciding on an interpretation, the ZBA shall be guided by the following:

1. An interpretation shall be consistent with the intent and purpose of the Ordinance and the specific Article in which the language in question is contained.
2. A text interpretation shall apply to the specific provision for which the interpretation is requested, and shall not extend to matters beyond such specific provision.
3. A zoning district boundary interpretation shall be guided by Section 10.03.
4. All interpretations shall take into account any relevant interpretations previously issued by the ZBA and any relevant past ordinance administration practices.
5. Prior to deciding a request for an interpretation, the ZBA may confer with Township staff and consultants to gain insight into the provision subject to interpretation and any consequences which may result from differing decisions.

**C. Procedures:**

1. Application Requirements: A written application for an interpretation shall be completed and filed with the Zoning Administrator on forms established for that purpose. Application for an interpretation shall specify, at a minimum, the name, address, and phone number of the applicant; the standard, regulation or provision requiring an interpretation; and a plot plan, site plan, or similar drawing illustrating the application or relevance of such interpretation. A minimum of eight (8) copies of the completed application shall be submitted along with any application fees.
2. Hearing: Upon receipt of an application, the chairperson of the ZBA shall fix a reasonable time and date for a hearing, taking into account adequate time for members of the ZBA to review the application prior to such hearing. Notice of the hearing shall comply with Section 3.07.
3. Decision: The ZBA shall render a decision in the form of a motion containing a full record of the findings and determination of the ZBA, and basis for such determination, and shall be made part of the meeting minutes. The concurring vote of a majority of the members of the ZBA shall be necessary to make an interpretation.
    a. A decision providing an interpretation may be accompanied by a ZBA recommendation to the Planning Commission for consideration of an amendment of the Ordinance to address what the ZBA may find is a problematic aspect of the Ordinance.

## Section 6.7 VARIANCES

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

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

1. That there are practical difficulties that prevent carrying out the strict letter of this Ordinance due to unique circumstances specific to the property such as its narrowness, shallowness, shape, or topography, that do not generally apply to other property or uses in the same district, and shall not be recurrent in nature. These difficulties shall not be deemed economic, but shall be evaluated in terms of the use of a particular parcel of land.
2. That the practical difficulty or special condition or circumstance is not a result of the actions of the applicant.
3. That the variance will relate only to property described in the variance application.

4. That the variance will be in harmony with the purpose of this Ordinance and the intent of the District, including the protection of public health, safety and welfare in general and vehicular and pedestrian circulation specifically.
5. That the variance will not cause a substantial adverse effect upon surrounding property including property values and the development, use and enjoyment of property in the neighborhood or District.
6. That strict compliance with the site development requirement in question would unreasonably prevent the owner from using the property for a permitted purpose, or would render conformity unnecessarily burdensome.
7. That the variance requested is the minimum amount necessary to overcome the inequality inherent in the particular property or mitigate the practical difficulty.

**C. Procedures**

1. Application Requirements: Application for a variance shall specify, at a minimum, the name, address, and phone number of the applicant; the legal description for the lot subject to the variance; a specification of the Ordinance's standards for which a variance is sought and the specific variance being requested; and a plot plan, site plan, elevation drawing or similar drawing prepared by a registered land surveyor or registered engineer that clearly illustrates property lines, property line bearings and dimensions, existing buildings and structures, and the proposed improvements to the lot for which the variance is requested. In all variance proceedings, it shall be the responsibility of the applicant to provide information, plans, testimony and/or evidence from which the ZBA may make the required findings, including any information the applicant may choose to submit to demonstrate conformance with the standards of subsection (B) above. A minimum of eight (8) copies of the completed application shall be submitted along with any application fees.
2. Hearing: Upon receipt of an application, the chairperson of the ZBA shall fix a reasonable time and date for a hearing, taking into account adequate time for members of the ZBA to review the application prior to such hearing. Notice of the hearing shall comply with Section 3.07.
3. Decision: The ZBA shall render a decision in the form of a motion containing a full record of the findings and determination of the ZBA, and basis for such determination, and shall be made part of the meeting minutes. The concurring vote of a majority of the members of the ZBA shall be necessary to grant a variance.
    a. In granting a variance, the ZBA may prescribe appropriate conditions and safeguards in conformity with this Ordinance. In the case where the ZBA prescribes such conditions, the ZBA may require that a performance guarantee be furnished to ensure compliance with such conditions, according to Section 2.6. Violations of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this Ordinance. See Section 25.12 regarding conditional approvals.
    b. A variance shall become null and void unless the construction authorized by such variance has been commenced within one-hundred eighty (180) days after the granting of the variance and that an occupancy permit is issued by the Building Inspector within two (2) years of the granting of the variance. The ZBA may extend this time limit upon its finding that no substantial changes have occurred to ordinance regulations, abutting properties, or other conditions that undermine the basis for the original issuance of the variance.
    c. No application for a variance which has been acted upon shall be resubmitted for a period of one (1) year from the date of the last denial, except on the grounds of newly-discovered evidence or proof of changed conditions having bearing on the basis for the original denial, in the discretion of the ZBA.
    d. Appeal on a variance application may be taken to the circuit court as may be provided by law.

**End of Article 6**

# Article 7
# PROCEDURES for AMENDMENTS

## Section 7.01 PURPOSE

The purpose of this Article is to establish the procedures for amending this Ordinance, including application requirements and the review of such applications.

## Section 7.02 INITIATION of AMENDMENTS

Only the Township Board may amend this Ordinance. Proposals for amendments or changes may be initiated by the Township Board on its own motion, by the Planning Commission, or by petition of the owners of property to be considered for rezoning.

## Section 7.03 FILING FEE

The Township Board shall establish by motion, a fee to be paid in full at the time of filing any application for rezoning.

## Section 7.04 PROCEDURES

**A. Application:** A petitioner shall submit the number of copies required by Township Board policy of a completed application for ordinance amendment to the Zoning Administrator on a form established for that purpose, which shall include a detailed description of the proposed amendment including the name and address of the applicant and the desired change(s) and reason(s) for such change(s).

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

**B. Action of Zoning Administrator:** The Zoning Administrator shall review the application form and supporting materials to ensure it is complete. Any application not properly filed or complete shall be returned to the applicant. Complete applications shall be transmitted to the Planning Commission.

**C. Notice of Hearing:** After the Zoning Administrator has transmitted the amendment application to the Planning Commission, it shall be placed on the agenda of the next regularly scheduled meeting of the Planning Commission and the Planning Commission shall establish a date for at least one (1) public hearing on the application. The Township Clerk shall give notice of the public hearing according to Section 3.07.

**D. Planning Commission Actions**

1. Planning Commission Review: In reviewing any application for an amendment to this Ordinance, the Planning Commission shall identify and evaluate all factors relevant to the application. Findings of fact shall be gathered and shall be made a part of the public records of the meetings of the Planning Commission.
    a. If the petition involves an amendment to the official zoning map, matters to be considered by the Planning Commission shall include, but shall not be limited to, the following:
        1) What, if any, identifiable conditions related to the application have changed which justify the proposed amendment?
        2) What are the precedents and the possible effects of such precedent which might result from the approval or denial of the petition?
        3) What is the impact of the amendment on the ability of the Township and other governmental agencies to provide adequate public services and facilities, and/or programs that might reasonably be required in the future if the proposed amendment is adopted?
        4) Does the petitioned district change adversely affect environmental conditions, or the value of the surrounding property?

5) Is the site's physical, geological, hydrological and other environmental features compatible with the host of uses permitted in the proposed district?
6) Is the subject property able to be put to a reasonable economic use in the zoning district in which it is presently located?
7) Does the petitioned district change generally comply with the Master Plan of the Township?
8) Is the proposed rezoning consistent with the zoning classification of surrounding land?
9) Can all requirements in the proposed zoning classification be complied with on the subject parcel?

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

2. Outside Agency Review: In determining the above mentioned findings of fact, the Planning Commission may solicit information and testimony from officials of, but not limited to, the County Health Department, County Road Commission, County Drain Commission, County Sheriff Department, any school district affected, the County Planning Commission, and neighboring municipalities.
3. Planning Commission Recommendation: The Planning Commission shall transmit its findings and recommendations for disposition of the application, and a summary of comments received at the public hearing to the Township Board and County Planning Commission.

**E. Township Board Actions**

1. After receiving and reviewing the findings and recommendations of the Township Planning Commission, and the recommendations of the County Planning Commission, the Township Board shall consider said findings and recommendations and vote upon the adoption of the proposed amendment.
a. The Township Board may hold additional public hearings if the Township Board considers it necessary. Notice of a public hearing held by the Township Board shall be according to Section 3.07.
b. The Township Board shall grant a hearing on the proposed amendment to any property owner who has filed a written request to be heard in the form of a certified mail letter from the property owner to the Township Clerk. The Planning Commission shall be requested to attend the hearing.
2. If the Township Board wishes to revise the text recommended by the Township Planning Commission, it shall refer the text back to the Township Planning Commission to make further recommendation to the Township Board, after which the Township Board shall take such action as it may choose. In the event that the Township Board refers an application back to the Planning Commission, the Township Board shall specify their objections or concerns.

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

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

## Section 7.05 COMPREHENSIVE REVIEW of ZONING ORDINANCE

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

**End of Article 7**

# Article 8
# NONCONFORMING LOTS, USES of LAND, and STRUCTURES

## Section 8.01 PURPOSE

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

## Section 8.02 NONCONFORMING LOTS

**A.** In any district in which single family dwellings are permitted, notwithstanding limitations imposed by other provisions of this Ordinance, a single family dwelling and customary accessory buildings may be erected on any single lot of record recorded with the Register of Deeds at or before the effective date of adoption or amendment of this Ordinance. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the district; provided that yard dimensions, setbacks and other requirements not involving area or width, or both, of the lot, shall conform to the regulations for the district in which such lot is located, unless a yard requirement variance is obtained through approval of the Zoning Board of Appeals.

## Section 8.03 NONCONFORMING USES of LAND

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

1. 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.
2. 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.
3. A change of tenancy or ownership of a nonconforming use is allowed provided there is no increase in the degree of nonconformance of the nonconforming use.
4. If a nonconforming use of a parcel or lot ceases for any reason for a period of more than three hundred sixty-five (365) days, such nonconforming use shall not be renewed and the subsequent use of such parcel or lot shall conform to the regulations of the district in which such parcel or lot is located.

## Section 8.04 NONCONFORMING STRUCTURES

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

1. No such structure may be enlarged or altered in a way which increases its nonconformity, but the use of a structure and/or the structure itself may be changed or altered to a use permitted in the district in which it is located, provided that all such changes are also in conformance with the requirements of the district in which it is located. Furthermore, any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use, and which existed at the time of adoption or amendment of this Article, but no such use shall be extended to occupy any land outside such building.
2. Should such structure be destroyed by any means to an extent of more than fifty percent (50%) of its replacement value, exclusive of foundations, it shall not be reconstructed except in conformity with the provisions of this Ordinance, including the respective site development standards for the District in which it is located. In identifying the extent of destruction and the cost to replace the damaged structure, the Zoning Administrator may seek a written opinion from a qualified building appraiser and the opinion shall include the basis for the opinion.
3. Should such structure be moved for any reason for any distance, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

4. Any structure, or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district in which such structure is located, and the nonconforming use may not thereafter be resumed.
5. Where nonconforming status applies to a structure and use in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land, and all subsequent uses and structures on the land shall conform to the applicable district regulations.

## Section 8.05 CHANGE in NONCONFORMING USES

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

## Section 8.06 REPAIRS and MAINTENANCE

On any building devoted in whole or in part to any nonconforming use, work may be done on ordinary repairs, or on repair or replacement of nonbearing walls, fixtures, wiring or plumbing, provided that the cubic content of the building as it existed at the time of passage or amendment of this Article shall not be increased. No structural alterations shall be made, except that nothing in this Article shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

## Section 8.07 DISTRICT CHANGES

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

## Section 8.08 HARDSHIP CASES

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

**End of Article 8**

# Article 9

## (Reserved For Future Use)

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**End of Article 9**

# Article 10
# ZONING DISTRICTS and MAP

## Section 10.01 ESTABLISHMENT of DISTRICTS

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

AR: Agricultural - Residential District
R-1: Suburban Residential District
R-2: Urban Residential Low Density District
R-3: Urban Residential Medium Density District
R-4: Multiple Family Residential District
R-5: Lake Residential District
R-6: Manufactured Housing Community District
C-1: Local Commercial District
I-1: Light Industrial District

## Section 10.02 ZONING DISTRICT MAP

The boundaries of the respective districts enumerated in Section 10.01 are defined and established as depicted on the Official Zoning Map entitled MARATHON TOWNSHIP ZONING MAP which is an integral part of this Ordinance. This map, with all notations and explanatory matter thereon, shall be published as part of this Ordinance as if fully described herein.

This Official Zoning Map shall be identified by the signature of the Township Supervisor, attested by the Township Clerk, and bearing the following: *This is to certify that this is the Official Zoning of the Marathon Township Zoning Ordinance adopted on the 14th day of March, 2019.* If, in accordance with the provisions of this Ordinance, changes are made in district boundaries or other matter portrayed on the Official Zoning Map, such changes shall be made on the Official Zoning Map.

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

## Section 10.03 INTERPRETATION of DISTRICT BOUNDARIES

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

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

## Section 10.04 ZONING DISTRICT REGULATIONS

**A.** Except as may otherwise be provided in this Ordinance, every building and structure erected, every use of any lot, building, or structure established, every structural alteration or relocation of an existing building or structure occurring, and every enlargement of, or addition to an existing use, building and structure occurring after the effective date of this Ordinance shall be subject to all regulations of this Ordinance which are applicable in the Zoning District in which such use, building, or structure shall be located.

**B.** Any use of land not specifically permitted is prohibited, except that the Zoning Board of Appeals shall have the power to classify a use which is not specifically mentioned along with a comparable permitted or prohibited use for the purpose of clarifying the use regulations in any district, if so petitioned and in accord with the requirements of Sections 6.05 and 6.06. If the Zoning Board of Appeals finds no comparable uses based on an examination of the characteristics of the proposed use, it shall so state and the Planning Commission may be petitioned to initiate an amendment to the text of the Ordinance to establish the appropriate district(s), type of use (principal use or special use), and criteria that will apply for that use. If the Ordinance is amended to include the new regulations, then an application can be processed to establish that use.

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

**D.** No setback area or lot existing at the time of adoption of this Ordinance shall be reduced in dimensions or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Ordinance shall meet at least the minimum requirements established herein, including lot size and lot width.

**E.** No portion of one lot, once established and/or improved with a building or structure, shall be used in the creation of another lot unless each lot resulting from each such reduction, division, or sale, shall conform with all of the requirements established herein.

## Section 10.05 ZONING of FILLED LANDS: USE of WATER

Whenever any fill is placed in any lake or stream, the land thus created shall automatically and without further governmental action thenceforth acquire and be subject to the same zoning regulations as are applicable for lands to which the same shall attach or be adjacent.

## Section 10.06 CONFLICTING REGULATIONS

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

## Section 10.07 CATEGORIES within ZONING DISTRICTS

In order to insure all possible benefits and protection for the zoning districts in this Ordinance, land uses have been classified into three (3) categories:

**A. Principal Permitted Uses:** Principal permitted uses are the primary uses and structures specified for which the zoning district has been established.

**B. Special Land Uses Permitted By Special Approval:** Special land uses permitted by special approval are uses and structures which have been generally accepted as reasonably compatible with the primary uses and structures within the zoning district, but could present potential injurious effects upon the primary uses and structures within the zoning district, or may not be appropriate on a particular parcel, and therefore require special consideration in relation to the welfare of adjacent properties and to the community as a whole. All such proposed uses shall be subject to a public hearing pursuant to Article 5.

**C. Accessory Uses:** Unless otherwise specified in this Ordinance, accessory uses which are clearly incidental to, and customarily associated with the principal use of the property, are permitted in all Districts and shall conform to all applicable standards of this Ordinance, including Section 25.02 (Keeping of Animals) and Section 25.08 (Accessory Uses, Buildings, and Structures).

## Section 10.08 SPECIAL DISTRICT PROVISIONS

### A. Manufactured Housing Community District (R-MHC)

1. Pursuant to Section 11 of Public Act 96 of 1987, as amended, the Michigan Manufactured Housing Commission Act, a preliminary plan shall be submitted to the Township for review by the Planning Commission. The preliminary plan shall include the location, layout, general design, and general description of the project. The preliminary plan shall not include detailed construction plans. In preparing the preliminary plan and when reviewing the plan, the developer and Planning Commission shall generally follow the procedures and requirements in Article 14 of this Ordinance, except where said procedures and requirements are superseded by the requirements in P.A. 96 of 1987, as amended, or the Manufactured Housing Commission Rules. Pursuant to Section 11 of Public Act 96 of 1987, as amended, the Planning Commission shall take action of the preliminary plan within sixty (60) days after the Township receives the preliminary plan.
2. All manufactured housing communities shall be constructed and maintained in accordance with P.A. 96 of 1987, as amended, and the rules and regulations promulgated by the Manufactured Housing Commission pursuant to the authority vested in the Manufactured Housing Commission by such Act. The construction of a manufactured housing community shall not be initiated, nor shall a manufactured housing community be inhabited or operated until all necessary permits have been acquired from the Michigan Department of Licensing and Regulatory Affairs and all other agencies pursuant to the Manufactured Housing Commission Act.

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## Section 10.09 SCHEDULE of REGULATIONS

The requirements in the following table apply to all principal permitted uses, buildings, and structures within each zoning district, except as otherwise specified in this Ordinance. This schedule summarizes basic site development standards. The specific district regulations and other provisions of this Ordinance should be consulted to identify additional standards and requirements, and clarifications of the schedule. In the event of any conflict between the provisions of the written text of the Ordinance and the content of the Schedule of Regulations, the provisions of the text shall apply. See Section 25.07 regarding standards and requirements for accessory uses, buildings and structures. Owners of nonconforming lots of record should refer to Section 8.02 as well. Variances may be granted by the Zoning Board of Appeals only upon a showing of practical difficulty, related to a unique characteristic of the land and not to self-created hardships of the owner. See Section 6.05(C).

**Schedule of Regulations[a] for "Principal Permitted Uses"**

| Zoning District | Minimum Lot Area | Minimum Lot Width & Frontage[l] (in feet) | Minimum Lot Depth[l] (in feet) | Maximum Building Height[n] (in feet) | Minimum Yard Setback (Feet) | | | Maximum Lot Coverage (%) |
|---|---|---|---|---|---|---|---|---|
| | | | | | Front Yard | Side Yard | Rear Yard | |
| **AR: Agricultural - Residential** | 2 acres | 150 | 200 [l] | 35[d] | 100 [e] | 15 [g] | 50 | 20 |
| **R-1: Suburban Residential** | 30,000 sq. ft.[m] | 150 [h] | 150 [l] | 35 | 100 [e] | 15 [g] | 50 | 30 |
| **R-2: Urban Residential Low Density** | SFD: 20,000 sq. ft.[m]<br>TFD: 30,000 sq. ft.[m] | SFD: 80<br>TFD: 120 | 125 [l] | 35 | 80 [f] | 10 [g] | 50 | 35 |
| **R-3: Urban Residential Medium Density** | SFD: 10,000 sq. ft.[m]<br>TFD: 15,000 sq. ft.[m] | SFD: 60<br>TFD: 90 | 125 [l] | 35 | 60 | 10 [g] | 30 | 35 |
| **R-4: Multiple Family Residential** | SFD: 5,000 sq. ft.[m]<br>TFD: 8,000 sq. ft.[m]<br>MFD: 15,000 sq. ft.[m] | SFD: 50<br>TFD: 80<br>MFD: 120 | 85 [l] | 35 | SFD: 60<br>TFD: 60<br>MFD: 95 | 10 [g, i] | 30 | 35 |
| **R-5: Lake Residential District** | 5,000 sq. ft.[m] | 50 | Not Applicable | 35 | 50 | 3 ft. provided minimum combined total of 10 ft. [b] | 20 | 40 |
| **R-6: Manufactured Housing Community District** | See Section 10.08 | | | | | | | |
| **C-1: Local Commercial** | 1 acre | 200 | Not Applicable | 35 | 100 | 20 [j] | 25 [k] | 50 |
| **I-1: Light Industrial** | 2 acres | 200 | Not Applicable | 35 | 100 | 20 [j] | 35 [k] | 50 |

*SFD = Single family dwelling; TFD = Two family dwelling; MFD = Multiple family dwelling*

***SPECIAL NOTES:*** No lot shall have a depth greater than four (4) times its width (maximum 4:1 ratio).
All single family dwellings shall have a minimum ground floor area of nine hundred sixty (960) square feet, exclusive of porches and attached garages.

*See following page for explanation of footnotes.*

## FOOTNOTES
## For Schedule of Regulations

a. This schedule summarizes basic site development standards. The specific district regulations and other regulations should be consulted to identify additional standards and regulations, and clarifications of the above standards. Where this Schedule contradicts the text of the Ordinance, the Ordinance text shall rule.

b. A minimum twenty (20) foot setback is required from a road right-of-way on a corner lot.

c. Reserved for future use.

d. The maximum height of farm buildings and structures shall be one hundred (100) feet. All farm buildings and farm structures over thirty-five feet shall be set back from a lot line a distance at least equal to the height of the building.

e. The minimum setback shall be eighty (80) feet where a lot does not gain direct access to a minor or major thoroughfare.

f. The minimum setback shall be sixty (60) feet where a lot does not gain direct access to a minor or major thoroughfare.

g. A minimum fifty (50) foot setback is required from a road right-of-way on a corner and through lot.

h. One hundred fifty (150) feet, except lots which do not gain direct access from a major or minor thoroughfare shall be a minimum of one hundred (100) feet.

i. Fifty (50) feet for multiple family dwellings.

j. Fifty (50) feet in the case where a side yard abuts an Agricultural or Residential zoning district or public right-of-way.

k. Fifty (50) feet in the case where a rear yard abuts an Agricultural or Residential zoning district.

l. No lot shall have a depth greater than four (4) times its width (maximum 4:1 ratio).

m. The minimum lot size shall be increased as necessary for approval by the Lapeer County Health Department for sewage disposal and potable water, but in no case shall a lot not served by public sewer be less than one (1) acre.

n. The following are exempted from height limit requirements, provided that no portion of the exempted structure may be used for human occupancy:
   **1.** Those purely ornamental in purpose such as church spires, belfries, cupolas, domes, ornamental towers, flagpoles and monuments, and do not exceed seventy-five (75) feet in height.
   **2.** Those necessary appurtenances to mechanical or structural functions, such as chimneys and smokestacks, water tanks, elevator and stairwell penthouses, ventilators, bulkheads, radio towers, masts and aerials, television antennas, fire and hose towers, wire transmission structures, cooling towers, or other structures where the manufacturing process requires a greater height but do not exceed one hundred (100) feet in height.
   **3.** Public utility structures, but not including communication towers, except upon receipt of a zoning permit.
   **4.** Agricultural buildings and structures, such as barns, silos, elevators and the like, provided they shall not exceed one-hundred (100) feet in height.
   **5.** Wind power electrical generating towers, provide they shall not exceed seventy (70) feet in height and the distance from the base of the tower to any lot line shall be ten (10) feet more than the height of the tower.

***End of Article 10***

# Article 11
# AGRICULTURAL DISTRICTS

## Section 11.01 AR: AGRICULTURAL–RESIDENTIAL DISTRICT

**A. Intent:** It is the intent of the Agricultural–Residential District to encourage the continuation of agriculture in the Township and ensure that land areas within the Township which are well suited for production of food and fiber are available for agricultural pursuits, while also providing opportunities for comparatively low density residential development in an overall rural setting. The Agricultural–Residential District includes lands which, due to soil conditions, parcel acreages, limited residential encroachment, and other factors, support the long term continuation of farming activities. Opportunities for additional residential development are permitted at comparatively low densities and according to special measures intended to minimize conflicts with farming activities and encourage the long term continuation of farming operations. Persons considering residing within this district should be aware that the traditional smells, noises, pesticide applications, and other generally recognized agricultural activities associated with farming may well continue on a long term basis in this District, and the Township supports the long term continuation of farming in this District. It is also the intent of this District to encourage the protection of the woodlands and wetlands which exist throughout the District and are frequently an integral part of agricultural parcels. It is intended that new residential development and other land uses within this District be located and designed to protect sensitive environmental resources which may be present on a development site, including wetlands, lakes, and streams.

**B. Principal Permitted Uses:**

1. Agriculture, providing the use is in compliance with the Generally Accepted Agricultural Management Practices approved by the Michigan Commission of Agriculture.
2. Landscape nursery operations and sod farms, including retail sales of nursery stock grown on the premises.
3. Single family dwellings.
4. Day care facility, family home.
5. Foster care facility, family home.
6. Wireless communication facilities, class one.
7. Publicly-owned conservation areas, including areas set aside for the protection of wildlife and natural resources, wildlife management areas, nature preserves, game refuges, and similar uses.
8. Extraction operations, small scale.

**C. Permitted Accessory Uses:**

1. Accessory uses and structures customarily incidental to and subordinate to the permitted principal use, including private stables.
2. Solar Energy Collector, Building Mounted and Solar Energy Collector, Ground Mounted.

**D. Special Land Uses Permitted By Special Approval:**

1. Wireless communication facilities, class two.
2. Agricultural service establishments.
3. Extraction operations, large scale.
4. Kennels.
5. Commercial stables.
6. Veterinarian clinics.
7. Bed and breakfast establishments.
8. Private landing strips.
9. Churches or religious buildings, including housing for religious personnel attached to a church or religious building.
10. Outdoor recreation, including private facilities and public facilities not otherwise permitted in 11.01(B), such as golf courses and country clubs, including driving ranges; recreational fields, shooting ranges and hunt clubs; and similar uses and accessory uses such as refreshment stands and maintenance buildings, but excluding racing tracks, amusement parks, drive-in theaters, and miniature golf when not part of a golf course.
11. Composting center.
12. Day care facility, group home.
13. Foster care facility, group home.
14. Artificial pond.

15. Public facilities not otherwise included in Section 11.01(B)(7) above, including cemeteries, schools, libraries, and similar uses and activities including administrative buildings, substations, or structures associated with public utilities and enclosures or shelters for service equipment and maintenance depots.
16. Open space preservation communities.
17. Home occupations.
18. Solar Energy System, Commercial.
19. Short-Term Rentals as a special land use permitted by special approval in the AR, agricultural-residential zoning district.
20. Wind Energy Systems

**End of Article 11**

# Article 12
# RESIDENTIAL DISTRICTS

## Section 12.01 R-1: SUBURBAN RESIDENTIAL DISTRICT

**A. Intent:** It is the intent of the Suburban Residential District to provide opportunities for residential development of a more suburban character than provided for in other Districts. Public sewer may or may not be available in this District and all development shall be provided with adequate measures for sewage disposal and potable water. It is intended that new residential development and other land uses within this District be located and designed to preserve the residential character of nearby existing stable residential areas and protect sensitive environmental resources which may be present on a development site, including wetlands, lakes, and streams.

**B. Principal Permitted Uses:**

1. Single family dwellings.
2. Day care facility, family home.
3. Foster care facility, family home.
4. Wireless communication facilities, class one.

**C. Permitted Accessory Uses:**

1. Accessory uses and structures customarily incidental to and subordinate to the permitted principal use.
2. Solar Energy Collector, Building Mounted and Solar Energy Collector, Ground Mounted.

**D. Special Land Uses Permitted By Special Approval:**

1. Public facilities, including public administration buildings, parking lots, cemeteries, parks, schools, libraries, substations or structures associated with public utilities and enclosures or shelters for service equipment and maintenance depots.
2. Churches and religious institutions, including housing for religious personnel affiliated with the church or religious institution.
3. Day care facility, group home.
4. Foster care facility, group home.
5. Golf course/country club.
6. Artificial pond.
7. Home occupations.
8. Extraction operations, small scale and large scale.
9. Open space preservation communities.
10. Solar Energy System, Commercial.
11. Short-Term Rentals as a special land use permitted by special approval in the R-1, Suburban Residential zoning district.

## Section 12.02 R-2: URBAN RESIDENTIAL LOW DENSITY DISTRICT

**A. Intent:** It is the primary intent of the Urban Residential Low Density District to provide opportunities for single family and two family residential development of an urban character provided adequate measures are employed for potable water and sewage disposable to support urban densities, and to recognize existing development patterns of similar character. Public sewer or water may not be available to all parcels in this district and lot areas shall exceed the minimum lot area requirements if necessary to assure adequate on-site sewage disposal and potable water. This urban residential district is intended to accommodate development patterns of a comparatively low density compared to the R-3 District. New residential development within this District shall be located and designed to preserve the residential character of nearby existing stable residential areas and protect sensitive environmental resources which may be present on a development site.

**B. Principal Permitted Uses:**

1. Single family dwellings.
2. Two family dwellings.
3. Day care facility, family home.
4. Foster care facility, family home.v
5. Wireless communication facilities, class one.

**C. Permitted Accessory Uses:**

1. Accessory uses and structures customarily incidental to and subordinate to the permitted principal use.
2. Solar Energy Collector, Building Mounted and Solar Energy Collector, Ground Mounted.

**D. Special Land Uses Permitted By Special Approval:**

1. Public facilities, including public administration buildings, parking lots, cemeteries, parks, schools, libraries, substations or structures associated with public utilities and enclosures or shelters for service equipment and maintenance depots.
2. Churches and religious institutions, including housing for religious personnel affiliated with the church or religious institution.
3. Day care facility, group home.
4. Foster care facility, group home.
5. Artificial pond.
6. Home occupations.
7. Extraction operations, small scale and large scale.
8. Open space preservation communities.
9. Solar Energy Collector, Commercial.
10. Short-Term Rentals as a special land use permitted by special approval in the R-2, Urban Residential Low Density zoning district.

## Section 12.03 R-3: URBAN RESIDENTIAL MEDIUM DENSITY DISTRICT

**A. Intent:** It is the intent of the Urban Residential Medium Density District to provide opportunities for residential development of an urban character and of greater density than the R-2 District. New residential development within this District shall be located and designed to preserve the residential character of nearby existing stable residential areas and protect sensitive environmental resources which may be present on a development site, including wetlands, lakes, and streams. This District is intended to be located only where adequate provisions exist to meet the heightened public facilities and services demands of this District, including access, emergency services, sewage disposal and potable water, except to the extent that this District is established to recognize existing development patterns of similar character as of the effective date of this Ordinance.

**B. Principal Permitted Uses:**

1. Single family dwellings.
2. Two family dwellings.
3. Day care facility, family home.
4. Foster care facility, family home.
5. Wireless communication facilities, class one.

**C. Permitted Accessory Uses:**

1. Accessory uses and structures customarily incidental to and subordinate to the permitted principal use.
2. Solar Energy Collector, Building Mounted and Solar Energy Collector, Ground Mounted.

**D. Special Land Uses Permitted By Special Approval:**

1. Public facilities, including public administration buildings, parking lots, cemeteries, parks, schools, libraries, substations or structures associated with public utilities and enclosures or shelters for service equipment and maintenance depots.
2. Churches and religious institutions, including housing for religious personnel affiliated with the church or religious institution.
3. Day care facility, group home.
4. Foster care facility, group home.
5. Artificial pond.
6. Home occupations.
7. Extraction operations, small scale and large scale.
8. Open space preservation communities.
9. Solar Energy System, Commercial.
10. Short-Term Rentals as a special land use permitted by special approval in the R-3, Urban Residential Medium Density zoning district.

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## Section 12.04 R-4: MULTIPLE FAMILY RESIDENTIAL DISTRICT

**A. Intent:** It is the intent of the Multiple Family Residential District to provide opportunities for higher density residential lifestyles and development patterns than permitted elsewhere in the Township. This District is intended to accommodate high density living arrangements while assuring adequate provisions for sewage disposal and potable water and a stable and healthy residential environment. This District is intended to be located only where adequate provisions exist to meet the heightened public facilities and services demands of this District, including access, emergency services, sewage disposal and potable water, except to the extent that this District is established to recognize existing development patterns of similar character as of the effective date of this Ordinance.

**B. Principal Permitted Uses:**

1. Single family dwellings.
2. Two family dwellings.
3. Multiple family dwelling, provided a minimum of ten (10) percent of the parcel is set aside for easily accessible open space, exclusive of required yard areas.
4. Day care facility, family home.
5. Foster care facility, family home.
6. Wireless communication facilities, class one.

**C. Permitted Accessory Uses:**

1. Accessory uses and structures customarily incidental to and subordinate to the permitted principal use.
2. Solar Energy Collector, Building Mounted and Solar Energy Collector, Ground Mounted.

**D. Special Land Uses Permitted By Special Approval:**

2. Day care facility, group home.
3. Foster care facility, group home.
4. Day care center.
5. Artificial pond.
6. Home occupations.
7. Extraction operations, small scale and large scale.
8. Open space preservation communities.
9. Solar Energy System, Commercial.

## Section 12.05 R-5: LAKE RESIDENTIAL DISTRICT

**A. Intent:** It is the intent of the Lake Residential District to recognize the presence of existing neighborhoods and land division patterns that occurred prior to the adoption of this Ordinance in the vicinity of North Lake and Hemingway Lake. The inclusion of these existing neighborhoods and associated land division patterns within other Residential zoning districts of this Ordinance would result in the creation of a substantial number of nonconforming lots and structures which could, in turn, place undue hardship upon the respective landowners, and the Zoning Board of Appeals and Township staff in the administration of future variance requests and appeals associated with these nonconforming lots and/or structures. It is the intent of this District to recognize these existing developments and land division conditions and accommodate such conditions within an appropriate District. It is the intent of this Ordinance that no new R-5 District be established after the effective date of this Ordinance.

**B. Principal Permitted Uses:**

1. Single family dwellings.
2. Two family dwellings.
3. Day care facility, family home.
4. Foster care facility, family home.
5. Wireless communication facilities, class one.

**C. Permitted Accessory Uses:**

1. Accessory uses and structures customarily incidental to and subordinate to the permitted principal use.
2. Solar Energy Collector, Building Mounted and Solar Energy Collector, Ground Mounted.

**D. Special Land Uses Permitted By Special Approval:**

1. Public facilities, including public administration buildings, parking lots, cemeteries, parks, schools, libraries, substations or structures associated with public utilities and enclosures or shelters for service equipment and maintenance depots.
2. Day care facility, group homes.

3. Foster care facility, group homes.
4. Artificial ponds.
5. Home occupations.
6. Extraction operations, small scale and large scale.
7. Open space preservation communities.
8. Solar Energy System, Commercial.
9. Short-term Rentals as a special land use permitted by special approval in the R-5, Lake Residential zoning district.

## Section 12.06 R-6: MANUFACTURED HOUSING COMMUNITY DISTRICT

**A. Intent:** It is the intent of the R-6 Manufactured Housing Community District to provide opportunities for healthy residential development and lifestyles associated with manufactured housing communities as regulated by the Michigan Mobile Home Commission Act. It is the intent of this District that, in light of the comparative speed at which a manufactured housing community can be constructed and the resulting rapid increased demands on public infrastructure and community services, this District be established only where development of such acreage will not outpace the Township's ability to effectively manage and accommodate demands upon public infrastructure and community services.

**B. Principal Permitted Uses:**

1. Manufactured housing communities.

**C. Permitted Accessory Uses:**

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

**D. Special Land Uses Permitted By Special Approval:**

1. Public facilities, including public administration buildings, parking lots, cemeteries, parks, schools, libraries, substations or structures associated with public utilities and enclosures or shelters for service equipment and maintenance depots.
2. Home occupations.
3. Solar Energy Collector, Building Mounted, Solar Energy Collector, Ground Mounted and Solar Energy System, Commercial.

**End of Article 12**

# Article 13
# COMMERCIAL DISTRICTS

## Section 13.01 C-1: LOCAL COMMERCIAL DISTRICT

**A. Intent:** The Local Commercial District is intended to provide for retail, service, and office establishments which primarily serve the day-to-day convenience and service needs of local residents and visitors, while also providing limited opportunities to address the consumer and service needs of the more regional population. It is the intent of this District that buildings and uses be of comparatively small size and bulk in light of the Township's rural character and intended local market. Those commercial uses catering to a more regional market frequently require larger land areas and buildings than more locally oriented uses, and encourage higher levels of vehicular traffic. Accordingly, such uses are permitted in this District only after special review to determine their appropriateness on the proposed site.

**B. Principal Permitted Uses:** The following are permitted principal uses provided, in the case of uses (B)(1) through (B)(4), no single story within a building contains more than fifteen thousand (15,000) square feet of floor area:

1. Any generally recognized retail business which supplies commodities on the premises within a completely enclosed building including, but not limited to, foods, drugs, liquor, furniture, clothing, dry goods, notions, books, flowers, jewelry or hardware.
2. Standard restaurants, clubs, and other establishments which provide food or drink for consumption by persons seated within a building, but shall not serve alcohol.
3. Personal service establishments which perform services on the premises within a completely enclosed building, such as, but not limited to, shoe repair shops, barber and beauty shops, photographic studios, and dry cleaners.
4. Office establishments which perform services on the premises including but not limited to; financial institutions, insurance offices, real estate offices, artist offices and galleries, professional offices for accountants, doctors, lawyers, engineers, and architects, and similar office uses.
5. Wireless communication facilities, class one.
6. Solar Energy System, Building Mounted.

**C. Permitted Accessory Uses:**

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

**D. Special Land Uses Permitted By Special Use Approval**

1. Any of the permitted principal uses in Section 13.01(B)(1) through (4) where one (1) or more stories of a single building contains more than fifteen thousand (15,000) square feet of floor area.
2. Standard restaurants, clubs, and other drinking establishments which provide food or drink for consumption by persons seated within a building, and may also provide dancing and entertainment, and serve alcoholic beverages.
3. Drive-in, drive-through, take-out, pick-up, and other forms of in-vehicle retail or service establishments including restaurants, financial institutions, dry cleaning businesses, and similar facilities.
4. Day care center.
5. Clubs, lodges, and similar social, recreational and community centered facilities.
6. Veterinarian clinic.
7. Funeral homes and mortuaries.
8. Outdoor commercial recreation and accessory uses such as refreshment stands and maintenance buildings, but excluding golf courses, racing tracks, amusement parks, and drive-in theaters.
9. Indoor commercial recreation facilities such as indoor exercise facilities, bowling establishments, and arcades.
10. Adult entertainment businesses.
11. Nursing homes.
12. Kennels.
13. Automobile service stations.
14. Vehicle repair garages.
15. Automobile/car wash establishment.
16. Wireless communication facilities, class one.
17. Artificial pond.
18. Mini-storage facilities.

19. Public facilities, including parking lots, cemeteries, parks, schools, libraries, and similar uses and activities including administrative buildings and substations or structures associated with public utilities, and enclosures or shelters for service equipment and maintenance depots.
20. Extraction operations, small scale and large scale.
21. Solar Energy Collector, Ground Mounted and Solar Energy System, Commercial.
22. Wind Energy Systems.

**End of Article 13**

# Article 14
# INDUSTRIAL DISTRICTS

## Section 14.01 I-1: LIGHT INDUSTRIAL DISTRICT

**A. Intent:** It is the intent of the Light Industrial District to provide for a variety of manufacturing and industrial uses that can be generally characterized as being of low intensity, including the absence of objectionable external affects such as noise, fumes, excessive heavy truck traffic and similar characteristics. This district is also intended to accommodate commercial establishments not engaging primarily in retail sales. Such industrial areas shall be designed to avoid negatively impacting adjacent conforming uses. Public sewer or water is not available in this District and all future land uses and activities in this District shall provide for safe sewage disposal and potable water.

**B. Principal Permitted Uses:** The following are permitted principal uses when conducted in a permanent fully enclosed building or an area enclosed and screened from external visibility beyond the lot lines of the parcel upon which the use is located:

1. Tool and die manufacturing establishments.
2. Plastic molding and extrusion.
3. Central dry-cleaning establishments.
4. Monument and art stone production.
5. Printing and publishing.
6. Building material sales yard, including retail lumber yards and incidental millwork; storage facilities for building materials, sand, gravel, stone, lumber, and contractor's equipment; warehousing and wholesale establishments; storage and transfer establishments; distribution plants; parcel delivery service; and ice and cold storage plants.
7. Commercial uses not primarily involved in retail sales as a primary use, including but not limited to building material suppliers.
8. The manufacturing, compounding, processing, treatment, fabrication or packaging of such products as: drugs, perfumes, pharmaceuticals, toiletries, bakery goods, candy, ceramics, clothing, jewelry, instruments, optical goods, food products (except food products involving the creation of odors or other offensive impacts), hardware and cutlery.
9. The manufacturing, compounding, assembling or treatment of articles or merchandise from the following previously prepared materials: bone, cellophane, fur, glass, canvas, cork, felt, hair, horn, leather, paper, plastics, precious or semi-precious metals or stones, shell, textiles, tobacco, wood, sheet metal, wax, and wire. Previously prepared materials are materials that were processed, manufactured or created at another location and shipped to the manufacturers permitted in this district for assembly into new products.
10. Assembly of electrical appliances, electronic instruments and devices, radios and phonographs, including the manufacture of small parts such as condensers, transformers, crystal holders, and the like.
11. Public utility service yard or electrical receiving transforming station.
12. Wireless communication facilities, class one.
13. Bulk storage facility.
14. Solar Energy System, Building Mounted.

**C. Permitted Accessory Uses:**

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

**D. Special Land Uses Permitted By Special Approval:**

1. Junkyards.
2. Residential quarters for a caretaker/security personnel, provided it is clearly accessory to the principal use, does not occupy more than 400 square feet of space, and does not violate any setbacks.
3. Vehicle repair garage.
4. Laboratories; experimental, film or testing.
5. Stockyards or slaughter of animals.
6. Sanitary landfill.
7. Composting center.
8. Recycling center.
9. Chemical and gas scrubbing.
10. Wireless communication facilities, class two.

11. Artificial ponds.
12. Extraction operations, small scale and large scale.
13. Solar Energy Collector, Ground Mounted and Solar Energy System, Commercial.
14. Wind Energy Systems.

**End of Article 14**

# Article 15

***(Reserved for Future Use)***

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**End of Article 15**

# Article 16
# Open Space Preservation Communities (OSPC)

## Section 16.01 PURPOSE

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

## Section 16.02 STANDARDS and REQUIREMENTS

**A. Sec. 10.08:** See Section 10.08 for standards pertaining to minimum lot area, width, frontage, and yard setbacks, and maximum building height and building and lot coverage, except where this subsection (B) provides otherwise.

**B. Uses:** Uses within an OSPC shall be limited to those dwelling types authorized by the District in which the OSPC is located and customary accessory uses to dwellings including recreation areas, in addition to the open space as required by this Section.

**C. Number of Lots/Dwellings:** The number of dwellings and lots authorized in an OSPC shall be the number attainable by the Conventional Plan according to Section 16.03(A)(2) plus an additional fifteen percent (15%).

**D. Minimum Lot Area and Width**

1. Lot Area: The minimum lot area shall be that which is necessary for acquisition of all required public health permits and approvals including potable water and on-site sewage disposal where such public utilities are not available. However, in no case shall a lot be less than twenty thousand (20,000) sq. ft. in the absence of public sewer service and where public sewer service is provided, in no case shall a lot be less than thirty percent (30%) of the normally required lot area of the respective District.
2. Lot Width: Minimum lot widths shall be of such dimension so that no lot has a depth greater than four (4) times its width, but in no case shall a lot be less than fifty (50) feet in width.

**E. Setbacks**

1. General: The following front, side and rear yard setbacks for buildings shall apply except that in no case shall a building be located within seventy-five (75) feet of the perimeter lot line of the OSPC development. Where the site plan approving body finds the natural or proposed topography, vegetation, or other conditions provide adequate screening and buffering within the context of surrounding development patterns, the above referenced setbacks may be reduced by no greater than fifty percent (50%).
   a. Front yard: twenty-five (25) feet.
   b. Side yard: ten (10) feet.
   c. Rear yard: twenty (20) feet.
2. Water Resources Setbacks: In addition to subsection (a) above, a minimum (75) foot building setback shall be maintained along lakes, ponds, rivers, streams, and wetlands, except that this setback shall not prohibit trails, boardwalks, observation platforms or other similar structures that enhance passive enjoyment of the site's resources within the setback.
3. Accessory Structures: Minimum setbacks for accessory structures not constituting buildings shall be as regulated by Section 25.07.

**F. Building and Lot Coverage:** The maximum building and lot coverage shall be as regulated according to Section 10.08 of Article 10, based on the District that most closely resembles the prevailing lot sizes of the OSPC. Where OSPC lot sizes exhibit a considerable range in size, the site plan approving body may prescribe varying maximum building and lot coverage standards according to lot size ranges.

**G. Guarantee of Open Space:** An OSPC shall include permanently dedicated open space. Such required open space shall remain perpetually in an undeveloped state by means of a conservation easement, plat dedication, restrictive covenant, or other legal means that runs with the land, acceptable to the approving body. Further subdivision of open space land or its use for other than conservation, agricultural uses, or preservation in an undeveloped state, is prohibited. The applicant shall guarantee to the satisfaction of the approving body that all open space portions of the development will be maintained in perpetuity and in the manner approved. Documents shall be presented that bind all successors and future owners in fee title to commitments made as a part of the proposal. For the purposes of this Section, "undeveloped state" shall be construed to mean a natural state preserving natural resources, natural features, or scenic or wooded conditions; agricultural use; open space; or a similar use or condition. Land in an undeveloped state does not include a golf course but may include a recreational trail, picnic area, children's play area, greenway, or linear park. For the purposes of this Section, "greenway" shall be construed to mean a contiguous or linear open space, including habitats, wildlife corridors, and trails, that link parks, nature reserves, cultural features, or historic sites with each other, for recreation and conservation purposes. Land in an undeveloped state may be, but is not required to be, dedicated to the use of the public. The open space conveyance shall:

1. Indicate the proposed allowable use(s) of the dedicated open space.
2. Require that the dedicated open space be maintained by parties who have an ownership interest in the open space, and establish a funding mechanism to ensure the same.
3. Provide for maintenance to be undertaken by the Township, in the event that the dedicated open space is inadequately maintained or is determined by the Township Board to be a public nuisance, with the assessment of costs upon the property owners.

**H. Open Space Preservation Area, Character, and Priorities**

1. Amount of Open Space: A minimum of fifty percent (50%) of the OSPC parcel shall be designated as permanent open space. However, in no case shall the required open space area be characterized by year-round submerged land such as ponds, lakes, and year-round submerged wetlands.
2. Location of Open Space: Open space shall be located on the parcel to meet the following objectives to the extent reasonably practical:
    a. To preserve water courses and bodies, MDNRE-regulated wetlands, floodplains, and mature woodlands. Other on-site natural resources shall also be considered in the location of open spaces and overall design of the project including farmland, tree lines, wetlands not regulated by the MDNRE, and panoramic rural views.
    b. To promote the effective preservation of the existing character along the exterior public road frontages that the OSPC abuts.
    c. To ensure the open space area is of a unified character comprised predominantly of large contiguous areas, except where special conditions may exist that support a more fragmented configuration of open space.

**I. Fire Protection:** Fire protection measures shall be provided in all OSPCs that include a public water system, and in OSPCs that are generally characterized by lots of approximately twenty thousand (20,000) sq. ft. or less in size and are more than three (3) miles from the nearest municipal fire department. Fire protection measures shall include an adequate on-site source of water for use by the local fire department and associated infrastructure to enable the local fire department to effectively respond to a fire emergency.

**J. Vehicular and Pedestrian Access and Circulation**

1. Interior Road: All dwellings within an OSPC shall gain access from an interior road within the OSPC.
2. Non-Motorized Circulation: A non-motorized circulation system may be required along one or both sides of the roads of the OSPC and/or through other portions of the OSPC, to ensure safe non-motorized travel. The circulation system shall be coordinated with existing or planned pedestrian ways, roads, and activity centers in the area. Non-motorized circulation networks shall encourage ease of access from residences to the designated open space areas.
3. Access to Open Space: Access points or paths shall be provided to afford pedestrian access to designated open space and common areas. These access points shall link the open space to the road system, sidewalks, or the remainder of the development.
4. Road Standards: All public roads shall conform to the requirements and standards of the County Road Commission. All private roads shall conform to the requirements and standards of this Ordinance.

## Section 16.03 SPECIAL APPLICATION and APPROVAL REQUIREMENTS

**A.** The following information shall be provided as part of an OSPC application In addition to the information required by Article 4, Plot Plan and Site Plan Review:

1. Unified Control: The application shall demonstrate that the proposed development shall be under single ownership or control, such that there is a single person or entity having proprietary responsibility for the full completion of the project. The applicant shall provide sufficient documentation of ownership or control in the form of agreements, contracts, covenants, and/or deed restrictions that indicate that the development will be completed in its entirety as proposed.
2. Conventional Plan: At the time the applicant submits a site plan for the OSPC, the applicant shall also submit a conventional plan which shall illustrate a practical and reasonable manner for developing the project property according to the conventional development standards of the District in which it is located including the normally required minimum lot area and width standards. This plan shall identify the total number of lots and dwellings reasonably attainable. The approving body shall make the final determination as to the number of dwellings and lots reasonably attainable by conventional design. This information shall be used when determining the permissible number of dwellings and lots for an OSPC proposal according to Section 16.02(C).
    a. The conventional plan need not be an engineered set of construction drawings, but shall be of such detail and clarity to demonstrate conformity with all state, county and township regulations including, but not limited to, potable water and sewage disposal, storm water management including necessary detention and retention ponds, and general road design and construction. The conventional plan shall demonstrate the feasibility of the proposed plan both in regard to its construction and its negligible impact upon sensitive environmental resources including wetlands and drainage courses and, in doing so, shall include the following: natural features such as wetlands, woodlands, flood plains, streams, rivers, county drains, lakes, ponds, and topography (at two-foot intervals), and man-made features such as existing roads, structures, utilities, easements, and adjacent land use conditions. A conventional plan shall not be considered if it does not provide the necessary level of detail or information to assess such conventional plan for the purposes of determining the number of feasible lots.
3. Recording of Approval Action/Permit Issuance: The applicant shall record an affidavit with the County Register of Deeds containing the full legal description of the project site, specifying the date of final approval, and declaring that all improvements will be carried out in accordance with the approved OSPC plan unless a change is approved by Township Board. In addition, all deed restrictions and easements shall be duly filed with the Register of Deeds of the County. Copies of recorded documents shall be presented to the Zoning Administrator. Upon receipt of the recorded documents, the Zoning Administrator shall issue a zoning permit for the OSPC for the construction of the OSPC, limited to general grading, roads, storm water management, signs, utilities and similar development features. The erection of a dwelling or other building and structures on any lot within the OSPC shall require an additional zoning permit according to the provisions of this Ordinance.

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**End of Article 16**

# Article 17
# PLANNED UNIT DEVELOPMENTS (PUD)

## Section 17.01 PURPOSE

It is the purpose of this Article to provide opportunities for residential development which, because of the more flexible standards available to a PUD, more effectively encourages the preservation of natural resources, sensitive environmental areas, and the Township's rural character, and more effectively assures the long term availability of land for agricultural activities. The regulations of this Article propose to accomplish these purposes, in part, by providing for the grouping or clustering of new homes on smaller lots than typically required by the zoning district within which the PUD is proposed to be located, so that the remainder of the site can be preserved as open space or for agricultural use. This more flexible residential development option is available through the use of PUD legislation, as authorized by Section 503 of the Michigan Zoning Enabling Act (Public Act 110 of 2006, as amended) for the purposes of, but not limited to encouraging the use of Township land in accordance with its character and adaptability; assuring the permanent preservation of open space, woodlands, and other natural resources; and allowing innovation and greater flexibility in the design of residential developments.

## Section 17.02 APPLICATION and APPROVAL PROCEDURES

PUDs may be applied for in only the AR District, and in the R-1, R-2, R-3, and R-4 Districts where public sewer is available, and shall be authorized through the issuance of a zoning permit. Application and approval procedures for PUDs shall conform to the application and approval procedures delineated below.

**A. Optional Preapplication Meeting:** Prior to the submission of a Sketch Plan as required by Section 17.02(B), the applicant may come before the Planning Commission to inform the Planning Commission of the general theme for the proposed development and to receive general guidance regarding general land development policies, procedures, standards and requirements of the Township in terms of the proposed development. At the preapplication meeting, the applicant may present a general sketch plan of the proposed PUD which provides an overview of the proposed project.

**B. Sketch Plan Required Prior to Site Plan Submittal**

1. The applicant shall submit a sketch plan of the proposed PUD prior to the submittal of a site plan. The sketch plan shall include all information required by Section 4.06, and the following:
   a. Identification of all proposed lot boundaries, condominium units, and the total number of such lots and units, shown by numerical order commencing with Number 1 and with no omissions or duplications. All setback requirements for each lot and unit shall also be shown as well as any lands reserved for common use and any conditions related to such common use.
   b. Identification of proposed alteration of topographic and vegetative conditions, including proposed grading of roads.
   c. Proposed master deed and/or bylaws, as applicable, and the legal documents establishing dedicated open space and the future use and maintenance of such space.
2. Upon certification by the Zoning Administrator that the site plan and application form appear to be complete, three (3) copies of the application and site plan shall be forwarded to the Planning Commission. The Zoning Administrator may also submit one (1) copy of the site plan to each of the following agencies considered to be impacted or affected by the application for the special land use.
   a. County Road Commission.
   b. County Health Department.
   c. County Drain Commissioner.
   d. Fire Department providing service to that part of the Township.
   e. Abutting governmental units, including counties, villages, townships, and school districts.
   f. Other agencies as relevant.

3. The Planning Commission shall review the sketch plan application and shall be entitled to make reasonable inquiries of and receive answers from the applicant. Following such review, the Planning Commission shall hold a public hearing and such public hearing notice shall meet the requirements of Section 5.02(D).
4. The Planning Commission shall take action on the sketch plan by approving, denying, or approving with conditions the sketch plan. The Planning Commission shall prepare a report identifying its conclusions and decision, the basis for its decision, and any conditions relating to an affirmative decision, and provide the applicant with a copy of such report. The Planning Commission shall base its decision on the standards of Sections 4.05, 5.06(A)(1) through (8), and 17.06, and other applicable standards of this Ordinance. Approval of the sketch plan is valid for a period of two (2) years unless otherwise extended by the Planning Commission upon a showing by the applicant that no material change of circumstances has occurred.

**C. Site Plan Submittal and Action:** The applicant shall submit a final application and site plan for the PUD, and the Planning Commission shall act upon the site plan, pursuant to Section 4.04, except as follow:

1. Required Information: The following information shall be submitted as part of the site plan in addition to the information required by Section 4.03(B):
   a. Identification of all proposed lot boundaries, condominium units, and the total number of such lots and units, shown by numerical order commencing with Number 1 and with no omissions or duplications. All setback requirements for each lot and unit shall also be shown as well as any lands reserved for common use and any conditions related to such common use.
   b. Proposed master deed and/or bylaws, as applicable, and the legal documents establishing dedicated open space and the future use and maintenance of such space.
2. Action: The Planning Commission shall take action on the site plan by approving, denying, or approving with conditions the site plan. The Planning Commission shall prepare a report identifying its conclusions and decision, the basis for its decision, and any conditions relating to an affirmative decision, and provide the applicant with a copy of such report. The Planning Commission shall base its decision on the standards of Sections 4.05, 5.06 A)(1) through (8), and 17.06, and other applicable standards of this Ordinance. The Planning Commission shall prepare and transmit a report to the applicant stating its conclusions and decision, the basis for its decision, and any conditions relating to an affirmative decision.

## Section 17.03 PERMIT ISSUANCE

**A.** If and when the final PUD application is approved, all improvements and use of the property shall be in conformity with the final plan and any conditions imposed. The applicant shall record an affidavit with the County Register of Deeds containing the full legal description of the project site, specifying the date of final approval, and declaring that all improvements will be carried out in accordance with the approved PUD plan unless a change is subsequently mutually agreed to in writing by the applicant and Planning Commission. In addition, all deed restrictions and easements shall be duly filed with the Lapeer County Register of Deeds. Copies of recorded documents shall be presented to the Township Clerk.

**B.** Upon receipt of the accurately recorded documents, the Township Clerk shall direct the Zoning Administrator to issue a Zoning Permit for the PUD.

## Section 17.04 APPEAL to CIRCUIT COURT

An appeal on a PUD application decision shall be taken to the Circuit Court; the Zoning Board of Appeals shall not have the authority to hear an appeal on the approval, approval with conditions, or denial of a PUD application.

## Section 17.05 CHANGES to SITE PLAN

The Site Plan, as approved, shall become part of the record of approval, and subsequent actions shall be consistent with the approved site plan. Changes to an approved Site Plan shall be requested and acted upon according to Section 4.08.

## Section 17.06 APPROVAL STANDARDS

No approval shall be granted for a PUD except where such PUD application conforms with the standards and regulations contained in this Article and other applicable standards and regulations contained elsewhere in this Ordinance, including the approval standards for special uses as delineated in Section 5.06.

**A. Minimum Eligibility Standards:** To be considered as a PUD project, the proposed development project must be consistent with the intent of a PUD pursuant to Section 17.01, and comply with the following:

1. Permitted Uses:
   a. Single family and two family dwellings, including platted subdivisions and condominium subdivisions.
   b. Multiple family dwellings, provided no single building contains more than four (4) dwelling units.
2. Minimum Parcel Size and Lot Width: The minimum size of a parcel used for a PUD shall be twenty (20) acres of contiguous land and have frontage of at least six hundred sixty (660) feet.
3. Unified Control: The proposed development shall be under single ownership or control, such that there is a single person or entity having proprietary responsibility for the full completion of the project. The applicant shall provide sufficient documentation of ownership or control in the form of agreements, contracts, covenants, and/or deed restrictions that indicate that the development will be completed in its entirety as proposed.
4. Dedicated Open Space:
   a. Guarantee of Open Space: The PUD shall include permanently dedicated open space. The dedicated open space shall forever remain open space, subject only to uses approved by the Planning Commission on the approved site plan. Further subdivision of open space land or its use for other than recreation, conservation or agricultural purposes, except for easements for utilities and septic systems, shall be strictly prohibited. The applicant shall guarantee to the satisfaction of the Township Attorney that all open space portions of the development will be maintained in perpetuity and in the manner approved. Documents shall be presented that bind all successors and future owners in fee title to commitments made as a part of the proposal. This provision shall not prohibit a transfer of ownership or control, provided notice of such transfer is provided to the Township and the land uses continue as approved in the open space development.
      1) Any structure(s) or building(s) accessory to a recreation, conservation or agriculture use may be erected within the dedicated open space, subject to the approved site plan. These accessory structure(s) or building(s) shall not exceed, in the aggregate, one percent (1%) of the total dedicated open space area.
   b. Open Space Requirements:
      1) The total area of dedicated open space shall equal at least sixty (60) percent of the project parcel when located in an AR District, and twenty-five (25) percent of the project parcel when located in an R-1, R-2, R-3 or R-4 District.
      2) Dedicated open space may include flood plain areas, but required dedicated open space shall not include required yard setback areas, roads, public rights-of-way, year round submerged lands, or wetlands where such wetlands occupy more than fifty (50) percent of the minimum required open space area. All dedicated open space must be a minimum of twenty (20) feet wide.
      3) The dedicated open space must include the land directly adjacent to any major or minor thoroughfare right of way and run the full length of the right of way along the project site at a width of at least two hundred fifty (250) feet. No more than two access roads may cross the dedicated open space along this right-of-way, provided such access roads shall cross the dedicated open space in a generally perpendicular fashion unless doing so would not support the protection of sensitive or special environmental resources.
         a) This provision may be waived by the Planning Commission where a minimum of seventy percent (70%) of the PUD parcel frontage along all minor and major thoroughfares, but not less than four hundred (400) linear feet, is included within the dedicated open space and runs along said frontage at a minimum width of three hundred (300) feet.
      4) All land within a development that is not devoted to a building, dwelling unit, accessory use, vehicle access, vehicle parking, a roadway, or an approved land improvement, shall be set aside as common land for recreation, conservation, agricultural uses, or preserved in an undeveloped state.
      5) The dedicated open space shall be set aside by the owner through an irrevocable conveyance that is found acceptable to the Township Attorney, such as recorded deed restrictions, covenants that run perpetually with the land, transfer to a nonprofit land trust, or a conservation easement established per the State of Michigan Conservation and Historic Preservation Act, Public Act 197 of 1980, as amended. Such conveyance shall assure that the open space will be protected from

all forms of development, except as shown on an approved site plan, or subsequent amendment thereto. Such conveyance shall:

(a) Indicate the proposed allowable use(s) of the dedicated open space.
(b) Require that the dedicated open space be maintained by parties who have an ownership interest in the open space.
(c) Provide standards for scheduled maintenance of the open space.
(d) Provide for maintenance to be undertaken by the Township of Marathon in the event that the dedicated open space is inadequately maintained, or is determined by the Township to be a public nuisance, with the assessment of costs upon the property owners.

**B. Lots and Dwelling Units:** The following minimum and maximum standards shall apply to all lots and dwelling units in PUDs:

1. Minimum Lot Area: The minimum lot area shall be thirty thousand (30,000) square feet, except that lots may be as small as five thousand (5,000) square feet where public sewer and water is provided.
2. Minimum Lot Frontage and Width:
   a. Each lot for a single-family detached residence shall have frontage of not less than ninety (90) feet, except where public sewer is available, in which case the minimum frontage and width shall be sixty (60) feet for non-corner lots and (70) feet along each lot line for a corner lot.
   b. Each lot for a two family dwelling shall have frontage of not less than one hundred twenty (120) feet, except where public sewer is available, in which case the minimum frontage and width shall be eighty (80) feet for non-corner lots and (90) feet along each lot line for a corner lot.
   c. Each lot for a multiple family dwelling shall have frontage of not less than one hundred (100) feet, except for a corner lot which shall have continuous frontage of not less than one hundred ten (110) feet along each front lot line.
3. Number of Dwelling Units:
   a. AR District: The maximum number of dwelling units permitted in a PUD in an AR District shall not exceed a density of one (1) dwelling per one and three quarters acre (1.75), based upon the PUD's total parcel acreage, except that lands that are year round submerged shall not be applied to the parcel acreage calculation nor shall more than twenty-five (25) percent of the land characterized by wetlands not otherwise submerged on a year round basis.
   a. R-1, R-2, R-3, and R-4 District: The maximum number of dwelling units permitted in a PUD shall not exceed one hundred twenty-five percent (125%) of the number of lots that would otherwise be permitted on the project site if the PUD option was not pursued, based upon the PUD parcel acreage, the minimum lot size required by the zoning district, and an interior road network to serve such lots. Lands that are year round submerged shall not be applied to the parcel acreage calculation nor shall more than twenty-five (25) percent of the land characterized by wetlands not otherwise submerged on a year round basis.
4. Yard and Setback Requirements:
   a. Front Yard: Twenty-five (25) feet.
   b. Side yard: None if shared wall construction is used, ten (10) feet otherwise.
   c. Rear yard: Twenty (20) feet.
   d. Under no conditions shall a dwelling be closer than fifty (50) feet to an exterior property line.
5. Maximum Building Height: Thirty-five (35) feet.
6. Maximum Lot Coverage: Thirty-five (35) percent.

**C. Utilities:**

1. The PUD shall provide for underground installation of all utilities.
2. A PUD shall provide public water and sanitary sewer service if such service is available.
3. Provisions shall be made for the construction of storm water facilities. The storm water system may include the establishment of detention or retention basins.
4. Fire protection measures shall be provided in all PUDs which provide public water, and in PUDs which are generally characterized by lots of approximately three quarter (3/4) acre or less in size. Fire protection measures shall include an adequate on-site source of water for use by the local fire department and associated infrastructure to enable the local fire department to effectively respond to a fire emergency.

**D. Access and Circulation:**

1. Access: The nearest edge of any entrance or exit drive for a PUD shall be located no closer than two hundred (200) feet from any existing street or road intersection (as measured from the nearest intersection right-of-way line).
2. Pedestrian Circulation: A pedestrian circulation system may be required along one or both sides of the internal roads of the PUD. The exact location and alignment of the sidewalks shall be jointly agreed upon by the applicant and the approving body, and shall be coordinated with existing or planned sidewalks and roads in the area. Pedestrian circulation networks shall assure ease of access from residences to the designated open space areas.
3. Vehicular Circulation: Construction of private roads as a means of providing access and circulation and increasing the rural character of the PUD project is encouraged. Private roadways within a PUD must be constructed according to the applicable sections in Article 22 of Marathon Township Zoning Ordinance 200.

**E. Natural Features:** The PUD shall be designed to promote the preservation of natural features. If animal or plant habitats of significant value exist on the site, the Planning Commission, as a condition of approval, may require that the open space development preserve these areas in a natural state and adequately protect them as nature preserves or limited access areas.

**F. Scheduled Phasing:**

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

## Section 17.07 WAIVER of STANDARDS

The Planning Commission may waive any of the standards for a PUD contained in this Article, except those of Section 17.06(A), where the following findings are documented along with the rationale for the decision:

A. No good public purpose will be achieved by requiring conformance with the standards sought by the applicant to be waived.
B. The spirit and intent of this Article will still be achieved.
C. No nuisance will be created.

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**End of Article 17**

# Article 18
# STANDARDS for SPECIFIC SPECIAL LAND USES

The following standards and requirements apply to the special land uses permitted by special approval in the zoning districts of this Ordinance. A special land use shall be approved only where such application complies with the general standards of Section 5.06(A) and those standards contained in this Article for individual special land uses. The regulations and standards contained in this Article shall be applied in addition to any other applicable standard or regulation contained elsewhere in this Ordinance unless specifically noted otherwise. See Article 5: Procedures for Special Land Uses.

## Section 18.01 ADULT RELATED BUSINESSES

**A. Intent:** The purpose of this Section is to clearly define what constitutes an adult related business and regulate the location and concentration of such businesses, but not exclude such businesses. These regulations were created with the understanding that Marathon Township acknowledges that there are some uses which, because of their very nature, have serious objectionable impacts when concentrated in location, causing harmful effects upon adjacent residential and commercial use areas. The Township recognizes that regulation of adult related businesses is necessary to insure that adverse effects will not contribute to the blighting or downgrading of surrounding residential neighborhoods and retail areas.

**B. Definitions**

1. Adult-Related Business: Any business, club or organization where one or more persons display *"specified anatomical areas"* or engage in *"specified sexual activities"* as defined in this Section, either in person or by photograph, motion picture, television or other type of image. This definition includes the following as defined by this Section: *"adult bookstore," "adult theater," "massage parlor," "public bath"* and *"taxi dance hall."*
2. Adult Book Store: An establishment permitting physical access by customers to floor area or shelf space which is devoted to the display of books, magazines or other periodicals, video tapes, photographs or motion picture films which are distinguished or characterized by their emphasis on matter depicting, describing or relating to *"specified sexual activities"* or *"specified anatomical areas"* as defined by this Section. This definition also includes any establishment which indicates the availability of such material by any sign, advertisement or other device audible or visible from anywhere outside the principal building, regardless of the amount of area devoted to said material.
3. Adult Theater: Any establishment presenting material or activity distinguished or characterized by an emphasis on matter depicting, describing or relating to *"specified sexual activities"* or *"specified anatomical areas"* as defined by this Section, for observation by patrons or customers.
4. Massage Parlor: An establishment in which a substantial or significant portion of the business conducted involves the administration of non-therapeutic massage, erotic touching, or fondling of such body areas as human genitals, pubic region, buttock, or breasts. The term *"massage parlor"* does not include medical or therapeutic massage services or any state licensed practitioners or medical or related services such as chiropractors or physical therapists.
5. Public Bath: An establishment providing common bathing facilities or hot tubs for use for a fee. Shower facilities, swimming pools, saunas and similar facilities intended as accessory uses in a school, health club, motel, or similar facility are not *"public baths."*
6. Specified Anatomical Areas: Human genitals, pubic regions, buttock, or any portion of the female breast below a point immediately above the top of the areola when less than completely and opaquely covered, in addition to human genitals in a discernibly turgid state, even if completely and opaquely covered.
7. Specified Sexual Activities: Human genitals in a state of stimulation or arousal; acts of human or animal masturbation, sexual intercourse (homosexual or heterosexual), or sodomy; fondling of or erotic touching of human genitals, pubic region, buttock or female breast; bestiality; fellatio or cunnilingus; sadomasochistic abuse; and human excretory functions.
8. Taxi Dance Hall: An establishment which provides dance partners for one or more dances as the direct or indirect result of payment of a fee.

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

1. No adult related business shall be established on any premises where there exists another adult related business within one thousand (1,000) feet, measured as a straight line distance between the closest property lines.
2. The property on which an adult related business is located shall be situated at least one-thousand (1,000) feet from a residential zoning district, church, or school, measured as a straight line distance between the closest property lines.

**D. Special Performance Standards**

1. Signs shall contain no photographs, silhouettes, drawings or pictorial representations of any manner which include *"specified anatomical areas"* or *"specified sexual activities."*
2. Adult related businesses shall not be located within a building in which one (1) or more dwelling units are located.
3. Operational hours are permitted between 10:00 a.m. and 10:00 p.m. only.
4. The premises shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons are permitted access, at an illumination of not less than one (1) foot candle measured at floor level.
5. The applicant shall submit a diagram of the premises showing a plan thereof and specifying the location of one or more manager's stations and the location of all overhead lighting fixtures and illumination intensity of each. A manager's station shall not exceed thirty (30) square feet of floor area.
6. The premises shall be so configured and designed to provide an unobstructed view of each area of the premises to which any person is permitted access for any purpose from at least one (1) of the manager's stations.
7. Activities conducted within buildings housing the aforementioned uses shall be shielded in such a manner that no person outside the building can see said activities, provided however that such shielding shall not consist of a curtain alone, shall not obstruct the exit sign or directional or instructional signs regarding emergency egress, nor be constructed in such a way as to block an exit.

## Section 18.02 ARTIFICIAL PONDS

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

1. All ponds shall be set back at least fifty (50) feet from any road right-of-way line, property line, and any structure with a foundation.
2. Ponds shall be terraced to prevent water overflow onto adjoining property.
3. Any surplus dirt resulting from the excavation of the pond shall be either landscaped or removed from the area.
4. All ponds shall be excavated and constructed according to the most current Soil Conservation Service standards.

## Section 18.03 AUTOMOBILE SERVICE STATIONS and VEHICLE REPAIR GARAGES

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

1. Ingress and egress to the facility shall be only from a paved minor or major thoroughfare, or from a shared access drive to such roadway.
2. No more than two (2) driveways onto a roadway shall be permitted. Driveway approach width shall not exceed thirty-five (35) feet and no driveway shall be located closer than twenty-five (25) feet to property zoned for residential use.
3. The site shall be no less than two hundred (200) feet from any place of public assembly, including any hospital, sanitarium, school, church or other institution. Measurement shall be the closest straight line distance between lot lines.
4. All buildings and accessory structures, including gasoline pumps, shall be located not less than fifty (50) feet from any lot line or within seventy-five (75) feet from the road right-of-way.
5. The entire area used for vehicle service shall be hard-surfaced and adequately drained.

**B. Special Performance Standards:**

1. Hydraulic hoists, service pits, lubricating, greasing, washing, and repair equipment and operations shall be located within a completely enclosed structure.
2. Storage of vehicles without current license plates and registration, shall be limited to a period of not more than seven (7) days and then only for the purpose of temporary storage pending transfer to another facility. Such storage shall be limited to a rear yard, comply with required rear yard setbacks, and be screened from view from abutting properties by an obscuring wall or fence of not less than six (6) feet.

## Section 18.04 AUTOMOBILE / CAR WASH ESTABLISHMENT

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

1. All washing activities shall be carried on within an enclosed building, or under a covered structure with side walls separating individual washing bays.
2. Vacuuming activities shall be set back a minimum of fifty (50) feet from property zoned or used for residential purposes.
3. All maneuvering lanes and stacking lanes shall be located on the site and shall provide sufficient room to avoid waiting cars encroaching into a road right-of-way.

**B Special Performance Standards:**

1) Each bay shall be graded and drained to collect run-off originating in the bay.

## Section 18.05 BED and BREAKFAST

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

1. No bed and breakfast use shall be permitted within a subdivision plat or condominium development.
2. One (1) parking space per room to be rented shall be provided on site, in addition to the parking required for a single family dwelling. Parking shall be arranged so as not to pose negative impacts on adjacent properties or necessitate on-street parking.

**B Special Performance Standards:**

1. The bed and breakfast facility must be a single family dwelling which is operated and occupied by the owner of the dwelling.
2. Meals may be served to overnight guests only. No separate or additional kitchen facilities shall be provided for the guests.
3. The number of bedrooms available for use by guests shall not exceed three (3) on lots two (2) acres or less in size, and shall not exceed six (6) on lots greater than two (2) acres in size.
4. No receptions, private parties or activities for which a fee is paid shall be permitted.
5. The establishment shall contain at least two (2) exits to the outdoors.
6. Rooms utilized for sleeping must be part of the primary residential structure.
7. No transient occupant shall reside on the premises for more than fourteen (14) consecutive days and not more than thirty (30) days in any one (1) year.
8. Lavatories and bathing facilities shall be available to all persons using the premises.
9. Each sleeping room shall be equipped with a smoke detector.
10. The exterior appearance of the structure shall not be altered from its single family character.

## Section 18.06 CEMETERIES

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

1. No more than five percent (5%) of the site area may be occupied by buildings.
2. All burial plots and all structures shall be set back no less than fifty (50) feet from any lot line or street right-of-way
3. Parking areas and driveways shall be provided on the site, at least fifty (50) feet from any lot line.

**B. Special Performance Standards:**

1. A screen shall be established along all lot lines which abut a property zoned or used for residential uses.

## Section 18.07 COMMERCIAL STABLES

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

1. A commercial stable shall not be established on any lot less than ten (10) acres in area.
2. Commercial stables shall provide off-street parking at a minimum of one parking space per two (2) animals, based on the number of horse stalls or maximum number of horses that can be accommodated in the stable.
3. Commercial stables may not be located in platted subdivisions or condominium subdivisions.
4. Stables, buildings housing horses, and manure piles shall be set back a minimum of one hundred (100) feet from any lot line.
5. A vegetative strip of at least fifty (50) feet wide shall be maintained between any animal holding area, manure pile, or manure application area and any surface water or well head. In areas with slopes of over five percent (5%), the Planning Commission may increase setbacks in order to minimize runoff, prevent erosion, and promote quick nutrient absorption.

**B. Special Performance Standards:**

1. The facility shall be constructed and maintained so that dust and drainage from the stable will not create a nuisance or hazard to adjoining property or uses.
2. Manure piles shall be stored, removed, and/or applied in accordance with Michigan Department of Agriculture and County Health Department regulations.
3. Special events for which a fee is paid, such as shows, exhibitions, and contests shall only be permitted after a temporary zoning permit has been secured.

## Section 18.08 WIRELESS COMMUNICATION FACILITIES

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

1. Collocate: To place or install wireless communications equipment on an existing wireless communications support structure or in an existing equipment compound. “Collocation” has a corresponding meaning.
2. Equipment compound: An area surrounding or adjacent to the base of a wireless communications support structure and within which wireless communications equipment is located.
3. 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.
4. Wireless communications support structure: A structure that is designed to support, or is capable of supporting, wireless communications equipment, including a monopole, self-supporting lattice tower, guyed tower, water tower, utility pole, or building.
5. Wireless Communication Facility: All structures and accessory facilities, and improvements thereto, relating to the use of the radio frequency spectrum for the purpose of transmitting or receiving radio signals; including, but not limited to, equipment compounds, wireless communications equipment, and wireless communications support structures. Not included in this definition are: citizen band radio facilities; short wave receiving facilities; radio and television broadcast reception facilities; satellite dishes; federally licensed amateur (HAM) radio facilities, towers for personal communications only, and governmental facilities which are subject to state or federal law or regulations which preempt municipal regulatory authority.
6. Class One Wireless Communication Facility: Any wireless communication facility and modifications thereto that meet all of the following requirements:
   a. No construction or other improvements provide for the erection of a new wireless communications support structure, but may provide for an increase in height of an existing tower as provided by subsection (d)(1) below.
   b. All proposed wireless communications equipment will be collocated on an existing wireless communications support structure or in an existing equipment compound.
   c. The existing wireless communications support structure or existing equipment compound is in compliance with this Ordinance or was previously approved by the municipality in which it is located.
   d. The proposed collocation of equipment shall not do any of the following:
      1) Increase the overall height of the wireless communications support structure by more than 20 (twenty) feet or 10% (ten percent) of its original height, whichever is greater.
      2) Increase the width of the wireless communications support structure by more than the minimum necessary to permit collocation.

3) Increase the area of the existing equipment compound to greater than 2,500 square feet.
4) Be in violation of the terms and conditions of any previous final approval of the support structure or equipment compound by the then-designated approving body.

7. Class Two Wireless Communication Facility: The erection of a new wireless communications support structure, or any modification of an existing wireless communication facility that is not classified as Class One Wireless Communication Facility.

**B. Application, Review and Approval for Class One Wireless Communication Facility:** A Class One Wireless Communication Facility constitutes a use permitted by right in any district, subject to site plan approval according to Article 4.

1. Application Review Time Frame and Fees
   a. After a Class One application for a wireless communication facility is filed with the Township, the Zoning Administrator shall determine whether the application is administratively complete. Unless the Zoning Administrator proceeds as provided under subsection (b) below, the application shall be considered to be administratively complete when the Zoning Administrator makes that determination or the passing of fourteen (14) business days after the Zoning Administrator receives the application, whichever occurs first.
   b. If, before the expiration of the fourteen (14) day period under subsection (a) above, 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 14-day period under subsection (a) above is tolled until the applicant submits to the body or official the specified information or fee amount due. The notice shall be given in writing or by electronic notification. A fee required to accompany any application shall not exceed actual, reasonable costs to review and process the application or $1,000.00, whichever is less.
   c. The Planning Commission shall approve or deny the application not more than sixty (60) days after the application is considered to be administratively complete. If the Planning Commission fails to timely approve or deny the application, the application shall be considered approved and the Planning Commission shall be considered to have made any determination required for approval.

**C. Application, Review and Approval for Class Two Wireless Communication Facility:** A Class Two Wireless Communication Facility constitutes a special land use and shall be subject to this Ordinance's provisions addressing the same including compliance with the site plan review provisions of Article 4 and Article 5 (Special Land Uses), and the following provisions:

1. Application Review Time Frame and Fees: The provisions of subsection (B)(1) above shall apply to Class Two applications for wireless communication equipment except that the Township Board shall approve or deny the application not more than ninety (90) days after the application is considered to be administratively complete.
2. Additional Application Requirements: In addition to submitting the information required for all special land use applications, including a site plan pursuant to Article 4, each applicant for a Class Two wireless communication facility shall provide the following additional information. Any information of an engineering nature that the applicant submits, whether civil, mechanical, electrical, or structural, shall be certified by a licensed professional engineer of applicable expertise registered in the State of Michigan.
   a. An inventory of its existing towers, antennas, or sites approved for towers or antennas, that are within the Township and one (1) mile of the border thereof, including specific information about the location, height, and design of each tower, the distance from the proposed tower, the owner(s)/operator(s) of the existing tower(s), and any additional information that is relevant in terms of potential collocation or in demonstrating the need for the proposed facility.
   b. Elevation drawings of the proposed tower and any other structures.
   c. The distance between the proposed tower to dwellings within a one-half (1/2) mile radius, and the distance to Residential districts and platted and similar neighborhood developments.
   d. Method of fencing and finished color and, if applicable, the method of camouflage.
   e. A written statement by the applicant as to whether construction of the tower will accommodate collocation of additional antennae for future users.
   f. Identification of the entities providing the lines that connect a provider's towers/cell sites to one or more cellular telephone switching offices, long distance providers, and/or the public switched telephone network (backhaul routes) for the tower(s) described in the application and other cellular sites owned or operated by the applicant in the Township.

g. A description of the suitability of the use of existing towers, other structures, or alternative technology not requiring the use of towers or structures, to provide the services of the proposed new tower.
h. A certification by a professional engineer of applicable expertise licensed in Michigan that all construction features of the tower comply with the requirements of all agencies having jurisdiction and the State Construction Code.

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

1. The lot shall be a minimum of three (3) acres in size.
2. The communication tower shall be located so that there is sufficient radius of clear land around the tower so that its collapse would be completely contained on the property.
3. The base of the tower and wire/cable supports shall be fenced with a minimum six (6) foot chain link fence.

**E. Special Performance Standards:**

1. All structures, including accessory buildings and guyed wires, shall be located at least thirty (30) feet from a lot line and one hundred (100) feet from any single family dwelling.
2. Towers shall be constructed, maintained, and operated in conformance with applicable state and federal laws, including laws promulgated by the FAA to assure safety in proximity to airports and landing strips.
3. Towers shall be designed to withstand a uniform wind loading as prescribed by the Township building code. The plans of the tower construction shall be certified by a registered structural engineer, including the antenna mount and structure.
4. Towers shall be located so that they do not interfere with reception in nearby residential areas.
5. Height of the tower shall not exceed two hundred (200) feet from grade.
6. Towers shall not be artificially lighted unless required by the Federal Aviation Administration.
7. The use of guyed wires is prohibited within Residential Districts.
8. The base of a tower shall not occupy more than five hundred (500) square feet.
9. Accessory structures shall not exceed six hundred (600) square feet in floor area.
10. There shall not be advertising of any kind intended to be visible from the ground or other structures.

## Section 18.09 COMPOSTING CENTER

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

1. Minimum lot size shall be twenty (20) acres.
2. Minimum lot width shall be five hundred (500) feet.
3. All buildings and composting activities shall be at least one hundred (100) feet from a road right of way or adjoining lot line. Composting activities shall be at least two hundred (200) feet from the boundary of any lake, stream, drain, wetland, or other surface water body.

**B. Special Performance standards:**

1. The applicant shall document that the soils are not characterized by a high water table.
2. The applicant shall describe procedures for managing storm water runoff and preventing pollution of surface water bodies or groundwater. Groundwater quality monitoring devices shall be provided.
3. The site plan shall clearly illustrate the layout of the composting operation, including: stockpiling, buildings, staging areas, parking, on-site truck maneuvering, curbing area, landscaped buffers, sales area and fencing.
4. Access shall be provided solely on Class A truck routes.

## Section 18.10 DAY CARE FACILITY, GROUP HOME

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

1. A group home day care facility shall not be located closer than one thousand five hundred (1,500) feet to any of the following facilities as measured along a street, road, or other public thoroughfare, excluding an alley:
   a. Another group home day care facility licensed by the State of Michigan.
   b. An adult foster care group home licensed by the State of Michigan.
   c. A facility offering substance abuse treatment and rehabilitation services to seven (7) or more people which is licensed by the State of Michigan.
   d. A community correction center, resident home, halfway house or other similar facility which houses an inmate population under the jurisdiction of the Department of Corrections.

**B. Special Performance Standards:**

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

## Section 18.11 EXTRACTION OPERATIONS, LARGE SCALE

**A. Additional Materials to be Submitted for Special Use Review:** In addition to the data requirements of Section 4.03(B), each application shall be accompanied by plans, drawings, and information prepared by appropriate registered professionals depicting, at a minimum:

1. Location, size and legal description of the total site area to be excavated. Include legend showing a north point, scale and date.
2. Location, width and grade of all easements or rights-of-way on or abutting the area subject to extraction.
3. A statement from the applicant identifying all federal, state, county and local permits required, if any.
4. Provisions for landscaping and screening.
5. A master plan for the extraction of minerals on the site, including:
   a. The area and amount of material to be excavated in cubic yards.
   b. Proposed side slopes and depths for all portions of the excavated area.
   c. Proposed drainage system, settling ponds and retention ponds, as appropriate.
   d. The time, duration, phasing and proposed work schedule of the total project.
   e. The proposed location of any buildings, storage areas, stockpiling areas, and sorting or crushing equipment as appropriate.
   f. Area from which extraction will take place in the first year of operation and likewise for each successive year to completion.
6. The proposed location of access points to the site and proposed haul routes for disposal of excavated material.
7. Proposed plans for fencing, and signs.
8. Estimated depth to groundwater.
9. Vertical aerial photography, enlarged to a scale equal to one inch (1") equals two hundred (200) feet, which identifies site boundaries and proposed locations of all extraction activities and phases.
10. A detailed reclamation plan that identifies, at a minimum, the following:
    a. Physical descriptions of the location of each cell, number of acres included in each cell, and estimated length of time to complete each cell in extraction.
    b. Depiction of finished, stabilized, side slopes, including methods and plant materials proposed for use.
    c. Landscape plan for the portion of the property disturbed by extraction and associated activities, including an inventory of plant/tree species to be used.
    d. Description of the intended reclamation use of the site upon completion of extraction activities and the spatial arrangement of proposed reclamation uses.
    e. The restoration of vegetation upon the site, including appropriate seeding of grasses, or the planting of trees and shrubs, to establish a permanent vegetative cover on the land surface to minimize erosion.
    f. The restoration of the site topography so that no gradients in disturbed earth are steeper than a slope of 3:1 (horizontal-vertical).
    g. The placement of a three inch (3") layer of arable topsoil over the excavated area, except exposed rock surfaces or areas lying below natural water level, in accordance with the proposed reclamation use.
    h. No backfill and grading materials shall be noxious, flammable or toxic.

i. Fill and soils shall not be overly compacted and of sufficient quality to be well drained, non-swelling. If the reuse plan involves development of dwellings or other buildings, fill and soils shall be of proper bearing capacity to support foundations and septic systems.
j. All temporary structures shall be removed from the premises upon completion of the extraction activity unless said structures are of sound construction and are compatible with the reclamation goals. Said structures shall be accurately depicted upon the approved reclamation plan.

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

1. Minimum lot area shall be twenty (20) acres.
2. Notwithstanding any other minimum yard sizes required by this Ordinance, all extraction activities, including washing and stockpiling of materials, shall be set back the following minimum distance:
   a. 100 feet from the right-of-way of any public street, private road, or highway.
   b. 200 feet from abutting residentially zoned property.
   c. 75 feet from commercial or industrial zoned abutting property.
3. All permitted buildings, structures and stationary equipment associated with extraction activities shall be located a minimum of 150 feet from all lot lines.

**C. Special Performance Standards:**

1. Any area of the site where excavation activities are occurring, including the location of equipment and buildings, shall be secured with a six (6) foot high fence with suitable gates. The gate shall be locked at all times when the site in not in use or when an attendant in not present. “KEEP OUT-DANGER” signs shall be posted at two hundred foot intervals along the perimeter.
2. Where deemed necessary by the Planning Commission, a five (5) foot high berm and/or suitable screen of a minimum of fifty (50) feet in width shall be established to screen residential uses within one thousand (1,000) feet.
3. All extractive operations shall comply with the soil erosion and sedimentation control requirements and standards of the Lapeer County Drain Commissioner, Natural Resources Conservation Service, and Michigan Department of Natural Resources.
4. All topsoil shall be stockpiled on the site so that the entire area may be recovered with a minimum of six inches (6”) of top soil when extraction operations are completed. No topsoil shall be removed from the extraction site.
5. The extraction shall be graded in a fashion which will not cause water to accumulate in stagnant pools.
6. Air pollution, noise and vibrations shall be minimized from any effect upon adjacent properties by adequate soundproofed equipment and buildings designed to accomplish such minimization and by the proper use of berms, walls, and natural planting screens.
7. Truck or heavy vehicle traffic related to extraction operations shall use major thoroughfares for access to the greatest extent feasible.
8. Public streets within 1000 feet of the exit of the extractive use site shall be kept reasonably clear of mud, dirt and debris caused by vehicles exiting the site.
9. Reclamation activities shall be initiated at the earliest possible date. Reclamation of the site concurrent with extraction activities shall be undertaken to the extent that the reclamation activities will not interfere with the excavating activity or if the excavating activity will damage the reclaimed areas. No extraction work can extend more than five (5) acres in area until reclamation of the previously excavated five (5) acre area is satisfactorily completed or underway. Excavated areas shall be reclaimed pursuant to the approved reclamation plan. If the reclamation plan involves a recreational or wildlife facility, reclamation plans shall be reviewed by recreation, fisheries and wildlife specialists in the Michigan Department of Natural Resources.
10. The excavator may be required to post an acceptable performance bond pursuant to Section 3.06 of this Ordinance in the amount up to 100 percent of the estimated reclamation costs for each five (5) acres of land to be disturbed or excavated or fraction thereof. Extraction activities shall not be initiated on any location of the site until such performance bond or letter of credit has been posted for that area of the site.

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

1. When an operator disposes of his interest in extraction area prior to final reclamation by sale, lease, assignment, termination of lease, or otherwise, the Zoning Administrator may release the operator from the duties imposed upon him by this Ordinance as to the operations, but only if the successor, operator or owner assumes the obligations of the former operator with reference to the reclamation activities. At that time the Zoning permit may be transferred.
2. Extraction operations authorized by the zoning permit shall be inspected with reasonable frequency to determine compliance with this Ordinance and permits issued pursuant to this Ordinance.
3. When activities on or use of the area subjected to extraction, or any portion thereof, have ceased for more than one (1) year, the operation shall be considered abandoned and a new permit necessary before additional extraction activities can occur. Cessation may be determined by any of the following events:
    a. The completion of the extraction.
    b. The Township determines that no substantial work has occurred on the site for more than one (1) year.
    c. The Township has received notification from the owner that operations are complete.
    d. A zoning permit for the extraction has expired.

**E. Existing Extraction Areas:** All extraction operations existing on the effective date of this Ordinance shall be subject to the regulations above with regard to future operations. For the purposes of this Section, future operations shall be interpreted to mean any extraction activities which are not permitted according to the originally issued permit for the extraction operation, including expansion into areas of the site not covered by a Township issued permit validly in place at the effective date of this Ordinance, and shall require special approval.

**F. No Very Serious Consequence:** When reviewing and taking action on a special land use application for an extraction operation, and in addition to reviewing such application according to the general special land use approval standards of Section 5.06, such application shall also be reviewed to determine whether adequate documentation has been submitted demonstrating that “no very serious consequences” will result by the approval of such application. The determination of “no very serious consequence” may be based on any of the following factors as may be applicable:

1. The relationship of extraction and associated activities with existing land uses.
2. The impact on existing land uses in the vicinity of the property.
3. The impact on property values in the vicinity of the property and along the proposed hauling route serving the property, based on credible evidence.
4. The impact on pedestrian and traffic safety in the vicinity of the property and along the proposed hauling route serving the property.
5. The impact on other identifiable health, safety, and welfare interests in the Township.
6. The overall public interest in the extraction of the specific natural resources on the property.

## Section 18.12 EXTRACTION OPERATIONS, SMALL SCALE

**A. Application Materials to be Submitted:** In addition to the completion of an application form, required supporting materials shall be limited to the following:

1. All information required for a plot plan according to Section 4.03 in addition to the legal description of the lot and the names, addresses and phone numbers of all persons having a legal interest in the lot.
2. A description of the extraction operation including the nature of the material to be extracted, the manner by which material is to be extracted, all equipment and vehicles to be used as part of the operation, and the anticipated duration of extraction operations and any proposed phasing.
3. A reclamation plan that identifies, at a minimum, the following:
    a. Description of finished, stabilized, topographic conditions including finished side slope grades. No side slopes associated with extraction operations shall exceed a slope of 3:1 (horizontal-vertical).
    b. Description of the intended reclamation use of the site upon completion of extraction activities and the spatial arrangement of proposed reclamation uses.
    c. Express prohibition of backfill and grading materials of a noxious, flammable or toxic character.
    d. Specification that fill materials and soils shall be of a well-drained and non-swelling character. If the reuse plan involves dwellings or other buildings, fill materials and soils shall be of proper bearing capacity to support foundations and septic systems.

**B. Additional Standards and Requirements:**

1. All extraction and/or excavation shall be set back a minimum of one-hundred (100) feet from road right-of-ways and front lot lines and fifty (50) feet from all other lot lines. These setback standards may be reduced by no more than fifty percent (50%) where extraction and/or excavation is not to exceed a depth of four (4) feet within such normally required setback area. In the case where the approving body permits such lesser setbacks, the approving body may require special measures to be employed to minimize the potential for subgrade shifting and/or failing in the vicinity of the property lines and shall consider, in part, soil characteristics.
2. There shall be no buildings or structures for extraction operations purposes.
3. There shall be no crushing, washing, or processing of extracted material except upon Planning Commission approval.
4. Where there are raised land formations in the required setback, such as a hill or portion of a hill, the approving body may establish conditions of approval intended to preserve such landforms.
5. The site plan approving body may require fencing and/or other measures around all areas subject to current or past operations where it is determined necessary for the protection of public health, safety or welfare.
6. Where one (1) or more dwellings are located within four-hundred (400) feet of the lot to be subject to the extraction, the approving body may require screening along the perimeter of the area of the lot to be subject to the extraction operations.
7. All extractive operations shall comply with the soil erosion and sedimentation control requirements and standards of the Lapeer County Drain Commissioner, Natural Resources Conservation Service, and Michigan Department of Natural Resources.
8. All topsoil shall be stockpiled on the site so that the entire area may be recovered with a minimum of six inches (6") of top soil when extraction operations are completed. No topsoil shall be removed from the extraction site unless expressly authorized by the approving body.
9. The extraction shall be graded in a fashion which will not cause water to accumulate in stagnant pools.
10. Public roads within 1,000 feet of the exit of the site shall be kept reasonably clear of mud, dirt and debris from vehicles exiting the site.
11. Extraction operations shall commence no earlier than 7:00 a.m. and cease no later than 7:00 p.m.
12. The applicant shall post an acceptable performance guarantee pursuant to Section 3.06 of this Ordinance in the amount up to one-hundred percent (100%) of the estimated reclamation costs for each one (1) acre of land to be disturbed or excavated or fraction thereof. Extraction activities shall not be initiated on any location of the site until such performance bond or letter of credit has been provided to the Township.

**C. No Very Serious Consequence:** When reviewing and taking action on a special land use application for an extraction operation, and in addition to reviewing such application according to the general special land use approval standards of Section 5.06, such application shall also be reviewed to determine whether adequate documentation has been submitted demonstrating that "no very serious consequences" will result by the approval of such application. The determination of "no very serious consequence" may be based on any of the following factors as may be applicable:

1. The relationship of extraction and associated activities with existing land uses.
2. The impact on existing land uses in the vicinity of the property.
3. The impact on property values in the vicinity of the property and along the proposed hauling route serving the property, based on credible evidence.
4. The impact on pedestrian and traffic safety in the vicinity of the property and along the proposed hauling route serving the property.
5. The impact on other identifiable health, safety, and welfare interests in the Township.
6. The overall public interest in the extraction of the specific natural resources on the property.

## Section 18.13 FOSTER CARE FACILITY, GROUP HOME

**A. The following special performance standards shall apply:**

1. One (1) on-site parking space shall be provided for each employee in addition to the parking required for the dwelling unit. The driveway may not be used for this purpose.
2. Adult foster care small group home property, including landscape and structural elements, shall be maintained in a manner that is consistent with the residential character of the neighborhood.
3. Adult foster care large group homes shall provide a loading/unloading area of adequate dimensions near a barrier-free entrance to the facility, and provide a loading/unloading area of adequate dimensions for delivery vehicles servicing the facility.

## Section 18.14 JUNKYARDS

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

1. The minimum lot size shall be ten (10) acres.
2. A solid fence, wall or earthen berm at least eight (8) feet in height shall be provided around all sides of the area used to store junk. Such fence, wall or berm shall be of sound construction, painted or otherwise finished neatly and inconspicuously. Such fence, wall or berm shall be of permanent finish and construction.
3. No portion of the enclosed area shall be located within 1000 feet of schools, day care facilities, churches, hospitals, and convalescent or nursing homes.
4. All enclosed areas shall be set back at least fifty (50) feet from any lot line. A landscaped buffer strip at least two hundred (200) feet in width shall be provided between the enclosed area and any adjoining Agricultural or Residential district.
5. Adequate parking and unloading facilities shall be provided at the site so that no loaded vehicle at any time stands on a public right-of-way awaiting entrance to the site.

**B. Special Performance Standards:**

1. All activities shall be confined to within the enclosed area including any: storage of materials; stockpiling of materials; disassembly of materials, parts, and vehicles; and the storage or parking of all equipment and inoperative vehicles. There shall be no stocking of material above the height of the fence, wall, or berm, except that moveable equipment used on the site may exceed that height.
2. No open burning shall be permitted and all industrial processes involving the use of equipment for cutting, compressing, or packaging shall be conducted within a completely enclosed building.
3. All roads, driveways, parking lots, and loading and unloading areas within any junk yard shall be paved, watered, or chemically treated so as to limit the nuisance caused by wind-borne dust on adjoining lots and public roads.
4. The operation shall be licensed by the Michigan Secretary of State to sell used vehicle parts or tow non-operational vehicles.
5. Any materials listed on the Michigan Critical Materials Register (gasoline and solvents) require secondary containment and a Pollution Incident Protection Plan filed with the Michigan Department of Environmental Quality.
6. Hours of operation shall not exceed 7:00 a.m. to 5:00 p.m.

## Section 18.15 KENNELS

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

1. Kennels shall not be located in a subdivision plat or condominium subdivision.
2. Buildings where animals are kept, runs, and exercise areas shall not be located nearer than one hundred feet (100) to any adjacent lot line in an Agricultural or Residential district or any adjacent building used by the general public. Runs and exercise areas, and buildings where the animals are maintained, shall be located in the rear yard only.

**B. Special Performance Standards:**

1. All kennels shall be operated in conformance with all applicable county, state and federal regulations.
2. All animals must be licensed and maintained in a healthful and careful manner.
3. The main kennel building used to house the animals shall be insulated in such a manner that animal noises are minimized.
4. Habitual barking or unusual noise from the kennel which results in a nuisance to neighboring land owners or residents is prohibited.
5. Exercise yards, when provided for training or exercising, shall not be used between the hours of 9:00 p.m. and 7:00 a.m.
6. During the hours of 7 a.m. until 10 p.m. animals shall be permitted in outdoor runs or pens. Animals shall be kept confined and not allowed to run at large on the property, except as part of supervised training.
7. The premises shall be kept in a clean and sanitary manner to prevent the accumulation of flies, the spread of disease or offensive odor.
8. All pens or stalls where dogs are housed shall have a concrete floor.
9. All pens and other outdoor areas available to dogs shall be screened from view from all directions by a building, fencing and/or vegetative plantings.

## Section 18.16 MINI STORAGE FACILITIES

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

1. The facility shall have direct access to a paved minor or major thoroughfare.
2. The minimum lot or parcel size for mini storage facilities shall be three (3) acres.
3. One (1) parking space shall be provided for each twenty (20) rental units within the buildings, and one (1) parking space shall be provided for each employee.
4. There shall be a minimum of thirty five (35) feet (forty-five (45) feet if the driveway is two-way) between warehouses for driveway, parking, and fire lane purposes. Where no parking is provided within the building separation areas, said building separation need only be twenty five (25) feet. Traffic direction and parking shall be designated by signaling or painting.
5. The lot area used for parking and access shall be provided with a permanent, durable, dustless surface and shall be graded and drained so as to dispose of all surface water.

**B. Special Performance Standards:**

1. No retail, wholesale, fabrication, manufacturing, or service activities may be conducted from the storage units by the lessees.
2. The entire site, exclusive of access drives, shall be enclosed with a six (6) foot high fence.
3. Storage spaces shall not contain more than 400 square feet each.
4. All storage shall be within the enclosed building area unless specifically provided for otherwise as part of an approved site plan. In no case shall there be permitted the outdoor storage of tires, unlicensed and/or inoperable vehicles or equipment, or any materials constituting junk.
5. The exterior of mini-storage buildings shall be of finished quality and maintained so as not to be offensive to adjacent property owners along abutting streets.
6. No storage of hazardous, toxic, or explosive materials shall be permitted at the facility. Signs shall be posted at the facility describing such limitations.

## Section 18.17 MOTELS and HOTELS

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

1. There shall be at least eight hundred (800) square feet of lot area for each guest room.

**B. Special Performance Standards:**

1. Provisions shall be made for safe and efficient egress and ingress to public streets and highways serving any development and shall be designed to minimize congestion and interference with normal traffic flow.
2. Each unit shall contain at least a bedroom and bath and a minimum gross floor area of two hundred fifty (250) square feet.
3. Motels shall provide customary motel services, such as maid service, linen service, telephone and/or desk service, and the use of furniture.

## Section 18.18 NURSING HOMES

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

1. The lot shall be a minimum of three (3) acres.
2. All ingress and egress for the site shall be from a paved minor or major thoroughfare.
3. No building shall be closer than fifty (50) feet to any lot line.

**B. Special Performance standards:**

1. Parking areas shall not be located within fifty (50) feet of a residential district or use.
2. A nursing home shall provide a minimum of fifteen hundred (1,500) square feet of outdoor open space for every bed used or intended to be used. The open space shall be landscaped and shall include places for walking and sitting. Off-street parking areas and driveways shall not be counted as required open space.
3. All facilities shall be licensed by the Michigan Department of Public Health and shall conform to applicable local, county, state and federal laws.

## Section 18.19 OPEN AIR BUSINESSES

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

1. All buildings and areas used for loading and unloading shall be set back a minimum of fifty (50) feet from any lot line.
2. Storage yards associated with home and garden centers, lumber yards and nurseries shall be completely obscured from view from public roads.

**B. Special Performance standards:**

1. In the case of auto sales:
   a. No vehicles which are inoperative shall be stored on the premises unless under repair.
   b. All repair, assembly, disassembly or maintenance of vehicles shall occur within a closed building except minor maintenance, including tire replacement, adding oil and wiper replacement.
   c. Outside storage areas for vehicles shall be screened on all sides except the side facing the principal road from which access to the property is gained. This restriction shall not apply to the display of vehicles for sale.
   d. All areas subject to vehicular use shall be paved with a durable dust-free surface.
2. Storage or display of goods and materials shall not occur in the required yards.
3. Christmas tree sales associated with nurseries need not comply with the requirements of Section 25.07.
4. The storage of any soil, fertilizer, or similar loosely packaged materials shall be sufficiently contained to prevent any adverse effect on adjacent properties, water bodies, wetlands and drainage ways.
5. Devices for the transmission or broadcasting of voice or music shall be prohibited outside of any building.

## Section 18.20 OUTDOOR COMMERCIAL RECREATION

**A. The following site and developmental requirements shall apply unless noted otherwise in this Section:**

1. Minimum site area shall be:
   a. Three (3) acres for; flea markets, batting cages, skateboard parks and mini-golf.
   b. Ten (10) acres for; amphitheater, amusement parks, driving range, and campgrounds. Minimum lot width shall be six hundred (600) feet.
   c. Forty (40) acres for a shooting range or hunt club.
   d. Eighty (80) acres for a nine hole course; one hundred sixty (160) acres for an eighteen (18) hole course.
2. No building or spectator seating facility shall be located within one hundred (100) feet of a lot line.
3. Minimum front, side and rear yard setbacks for principal and accessory structures shall be eighty (80) feet. The first fifty (50) feet of such yards shall be kept free of off-street parking and shall be landscaped.
4. The entire periphery of race tracks and drive-in theaters shall be enclosed with an obscuring screen fence at least eight (8) feet in height. Fences shall be of permanent finished construction, painted or otherwise finished neatly, attractively and inconspicuously.
5. A fifty (50) foot minimum undisturbed buffer zone between turf areas and natural water bodies, watercourses or wetlands must be maintained as part of a golf course. The buffer zone must contain natural vegetation and shall not be chemically treated.

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

1. The applicant shall provide evidence of compliance with all appropriate federal, state, county and local permits as appropriate.
2. Facilities shall provide off-street parking and passenger loading areas.
3. Adequate stacking area shall be provided for vehicles waiting to enter the lot.
4. Facilities which have a participant capacity greater than five hundred (500) people shall provide letters of review from the County Sheriff and County Road Commission with respect to the proposed project.
5. A recreational accessory use shall not predate the installation and operation of the principal use. When the principal use ceases to operate, the accessory use shall immediately cease.
6. No temporary sanitary facility or trash receptacle shall be located within two hundred (200) feet of an existing dwelling.
7. Except in the case of golf courses, operating hours for all uses shall be determined by the Planning Commission based on the nature of the use and the nuisance potential to adjoining property owners. The maximum range of hours is Monday through Sunday from 7:00 a.m. to 12:00 a.m. (midnight) and may be prohibited on legal holidays.

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

1. Each campsite shall be set back from any right-of-way or lot line at least seventy (70) feet.
2. A common use area shall be provided in the parcel at a rate of five hundred (500) square feet per campsite.
3. There shall be no permanent storage of tents, campers, travel trailers or mobile home units in the development unless specifically permitted.
4. At least one public telephone shall be provided in the facility.
5. No more than one permanent dwelling shall be allowed in a campground which shall only be occupied by the owner, manager or an employee.
6. Each campsite shall have a picnic table and designated place for fires.

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

1. Total lot area covered by principal and accessory buildings shall not exceed fifteen percent (15%).
2. Major accessory uses such as a standard restaurant and bar shall be housed in a single building with the club house. Minor accessory uses strictly related to the operation of the golf course itself, such as maintenance garage and pro shop or golf shop may be located in separate structures.
3. All parking areas shall be surfaced or so treated as to prevent any dust nuisance.
4. All principal or accessory buildings and parking areas shall be not less than two hundred (200) feet from any lot line; provided that where topographic conditions are such that buildings would be screened from view. The Planning Commission may modify this requirement.
5. A golf driving range accessory to the principal use of the golf course is permitted provided the area devoted to this use shall maintain a seventy-five (75) foot front yard and a one hundred (100) foot side and rear yard setback. The area shall be buffered by natural vegetation and fencing to minimize the impact upon adjoining properties. In the consideration of golf driving ranges additional buffering conditions necessary to minimize the impact of possible safety threats from projectiles upon adjacent land uses may be imposed by the Planning Commission.
6. Water quality protective measures are required as follows:
   a. Maintenance of erosion control barriers during construction.
   b. To the extent practicable, runoff must be directed to on-site holding/sedimentation ponds with a water quality control structure installed at the outlet prior to water discharge.
   c. At any time widespread or non-spot application of herbicide, insecticide, fungicide or rodenticide is to occur, notification signs must be posted at lot lines. The signs are to state the type and name of the chemical, date and time of application, and other appropriate information. All chemical applications must be by a Michigan Department of Agriculture Licensed Applicator.
   d. Chemicals shall meet the requirements of the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), the Environmental Protection Agency (EPA), and all appropriate state statutes and administrative directives.

**E. Special Performance Standards for Shooting Ranges**

1. The parcel of land on which any shooting range is located shall be at least ten (10) acres in size and shall be at least one thousand three hundred twenty (1,320) feet in length in the direction in which any firearms are fired.
2. The shooting range shall be laid out so that a hill, bank, or berm is located in such a manner as to prevent any bullets from leaving the property.
3. The shooting range shall not be located in an area where small children are likely to play due to the proximity of houses, schools, churches, parks or similar facilities. In no case shall a shooting range be located within one (1) mile of an incorporated village or platted subdivision.
4. No shooting range shall be utilized earlier than 9:00 a.m. or later than one (1) hour prior to sunset.
5. All shooting ranges shall comply with the basic safety standards recommended by the National Rifle Association.

## Section 18.21 PRIVATE LANDING STRIPS

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

1. The landing strip shall be a minimum of one thousand two hundred feet in length and shall be free of obstructions for a distance of fifty (50) feet to both sides of the landing strip, as measured from the edge of the landing strip, and for a distance at the end of the landing strip to allow a clear approach slope of 20:1.
2. No portion of a landing strip shall be within one hundred (100) feet of a property line.
3. Such landing strips shall be situated on a parcel of at least twenty (20) acres in size.

**B. Special Performance Standards:**

1. Approval of private landing strips shall not be made prior to the applicant submitting to the Township, the Federal Aviation Authority's review of the proposed landing strip.

## Section 18.22 SANITARY LANDFILLS

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

1. Minimum lot size shall be one hundred twenty (120) acres.
2. The site shall be located on and obtain access from a paved major thoroughfare.
3. Notwithstanding any other minimum yard sizes required by this ordinance, permitted building activity centers shall be set back the following minimum distance:
   a. three hundred (300) feet from the right-of-way of any public street, private road, or highway.
   b. five hundred (500) feet from abutting residential or mobile home classified property.
   c. two hundred fifty (250) feet from commercial abutting property.
   d. one hundred (100) from industrial abutting property.
4. Perimeter landscape buffers and/or berms shall be provided, at a minimum, of fifty (50) feet in width.

**B. Special Performance Standards:**

1. All minimum conditions, safeguards and operating procedures as specified within Act 641 of the Public Acts of 1978, (Solid Waste Management Act) as amended, or rules and regulations promulgated thereto, and the County Solid Waste Management Plan shall be complied with.
2. Access ways within the project area shall be paved or treated to create a dust-free surface.
3. Policing of the immediately adjoining property, perimeter berms, and/or fencing shall be required on a regular basis to prevent unauthorized dumping, or wind-blown debris. Such policing shall be required at the expense of the operator.
4. The entire site including the fill surface, shall be graded and provided with drainage facilities to minimize runoff onto and into the fill, to prevent erosion or washing of the fill to drain off rainwater falling on the fill and to prevent the collection of standing water.
5. Trees and other vegetation or ground cover shall not be stripped off the surface of the ground prematurely so as to unnecessarily expose areas of ground that are prone to wind or water erosion that will cause ground or dust to be carried by wind or water onto adjoining or surrounding properties, or onto public or private roads, or to create a nuisance.
6. Truck or heavy vehicle traffic related to landfilling operations shall use major thoroughfares for access, approved by the Township.
7. Paved public streets within one thousand five hundred (1,500) feet of the exit of the site shall be kept reasonably clear of mud, dirt and debris from vehicles exiting the site.
8. Additional activities in conjunction with the operation shall not be permitted unless specifically applied for in the application and covered by the permit issued (e.g., composting, recycling center, transfer station, methane gas processing, power production, cogeneration, incineration, etc.).
9. A ten (10) foot high berm with side slopes of no greater than four on one grade shall be required around any active filling area which is adjacent to a road or exterior property line. This requirement may be waived when the existing topography or other screening exists that would accomplish the purpose of the berm.
10. The Planning Commission may impose such additional conditions and safeguards deemed necessary for: the public health, safety and general welfare; the protection of individual property rights; and for insuring the intent and purpose of this Ordinance.
11. Where slopes steeper than thirty (30) degrees exist for a period of one (1) month or more, the proposed operation shall be enclosed with a six (6) foot high cyclone fence or similarly effective barrier located at least fifty (50) feet outside the edge of the excavation area. Where collection of water greater than one (1) foot in depth occurs for a period of one (1) month or more in an area occupying two thousand (2000) square feet or more, fencing shall be required as noted in the previous sentence.
12. When filling operations are completed, the excavated area shall be graded so that no gradients in disturbed earth are steeper than a slope of 4:1 (horizontal-verticals).

**C. Additional Application Requirements:** Each application shall be accompanied by plans, drawings, and information prepared by appropriate registered professionals depicting, at a minimum:

1. Location, size and legal description of the total site area to be filled.
2. General site plan and geologic suitability report approved by the Department of Natural Resources.
3. A statement from the applicant identifying all other federal, state and local permits required.
4. A detailed reclamation plan, drawn to an acceptable scale, to be performed upon completion of each phase of the project. At a minimum, the plan of reclamation shall include:

a. Physical descriptions of the location of each cell, number of acres included in each cell, estimated length of time to complete each cell in operation.
b. Depiction of finished, stabilized, side slopes, including methods and plant materials proposed for use.
c. Identification of how the area will be re-used and the proposed topography drawn at two (2) foot contour intervals.
d. Landscape plan for the portion of the property disturbed by landfilling activities, including an inventory of plant/tree species to be used.
e. Provisions that grasses and other vegetation with shallow root systems shall be maintained on the landfill cap.
f. Provisions that appropriate erosion control practices shall be used during reclamation.
g. Sufficient topsoil to be stockpiled so that a minimum of two (2) feet of topsoil will be placed on the top of the finished portion of the operation. The topsoil shall be planted immediately with grass or other groundcover, subject to the approval by the Planning Commission.

## Section 18.23 VETERINARY CLINICS

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

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

**B. Special Performance Standards:**

1. Uses permitted include medical treatment and boarding for animals receiving treatment. Retail sales are permitted only as a clearly incidental and accessory use to the principal clinic use.
2. All principal use activities shall be conducted within a totally enclosed main building.
3. There shall be no storage or boarding of animals outside of the fully enclosed building.
4. No dogs shall be permitted in open run areas between the hours of 10:00 p.m. and 7:00 a.m.
5. An adequate, enclosed method of refuse storage and disposal shall be maintained so that no public nuisance shall be created at any time.

## Section 18.24 MOBILE HOME PARK

**A.** Pursuant to Section 11 of Public Act 96 of 1987, as amended, the Michigan Manufactured Home Commission Act, a preliminary plan shall be submitted to the Township for review by the Planning Commission. The preliminary plan shall include the location, layout, general design, and general description of the project. The preliminary plan shall not include detailed construction plans. In preparing the preliminary plan and when reviewing the plan, the developer and Planning Commission shall generally follow the procedures and requirements in Article 4 of this Ordinance, where applicable, except where said procedures and requirements are superseded by the requirements in P.A. 96 of 1987, as amended, or the Manufactured Home Commission Rules. Pursuant to Section 11 of Public Act 96 of 1987, as amended, the Planning Commission shall take action of the preliminary plan within sixty (60) days after the Township receives the preliminary plan.

**B.** All mobile home parks shall be constructed and maintained in accordance with P.A. 96 of 1987, as amended, and the rules and regulations promulgated by the Mobile Home Commission pursuant to the authority vested in the Manufactured Home Commission by such Act. The construction of a mobile home park shall not be initiated, nor shall a mobile home park be inhabited or operated until all necessary permits have been acquired from the Michigan Department of Public Health, Michigan Department of Commerce, and all other agencies pursuant to the Mobile Home Commission Act.

**C.** In addition to complying with the provisions of P.A. 96 of 1987, as amended, and the rules and regulations promulgated by the Manufactured Home Commission, the following standards and provisions shall apply:

1. Minimum Parcel Size: The minimum parcel size for mobile home parks shall be ten (10) acres.
2. Minimum Site Size: The mobile home park shall be developed with sites averaging 5,500 square feet per mobile home unit. This 5,500 square foot standard for any one site may be reduced by twenty (20) percent provided that the individual site shall be equal to at least 4,400 square feet. For each square foot of land gained through the reduction of a site below 5,500 square feet, at least an equal amount of land shall be dedicated as open space. This open space shall be in addition to that required under the Mobile Home Commission's Rules 941, 944, 946, established pursuant to Public Act 96 of 1987, as amended.
3. Nonresidential Uses: No portion of any mobile home park shall be used for non-residential purposes, except such uses that are required for the direct servicing and well-being of park residents and for the management and maintenance of the mobile home park.

**D. Initiation of Construction:** The construction of a mobile home park shall not be initiated, nor shall a mobile home park be inhabited or operated until all necessary permits have been acquired from the Michigan Department of Health and Human Services and all other agencies pursuant to the Manufactured Home Commission Act.

## Section 18.25 SHORT-TERM RENTALS

**A. Definitions.** For purposes of this section the following definitions apply:

**Boat:** Means every description of watercraft used or capable of being used as a means of transportation on water, including but not limited to, canoes, rowboats, kayaks, and paddle boards.

**Caretaker:** Means an individual, other than the certificate holder, who is responsible for the oversight and care of the short-term rental.

**Certificate:** Means an annual short-term rental certificate duly issued by Marathon Township.

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

**Guest House**: Means a complete dwelling unit in a building separate from and subordinate to the building housing the primary dwelling and on the same zoning lot of record with a certificate of occupancy issued by the Township. A guest house includes all parts of the freestanding building or is a portion of a freestanding garage.

**Multi- or Multiple Family:** Means a multiple family dwelling as described in Section 12.04 of Article 12 of the Township Zoning Ordinance.

**Renter:** Means an occupant or renter of a short-term rental pursuant to a rental agreement. The terms "renter", "guest" and "occupant" are used interchangeably in this ordinance and refer to "renter" as it is herein defined. The term "renter" as used herein does not include non-renter visitors (guests of the renter) who are visiting between the hours of 7:00 am and 10:00 pm.

**Septic Inspection Report**. Means a report issued by the Lapeer County Health Department and prepared pursuant to the Marathon Township Zoning Ordinance and in a form acceptable to the Township Building Inspector.

**Short-Term Rental**: Means a dwelling unit that is available for use or is used for accommodations or lodging of guests, paying a fee or other compensation, for a period of less than 30 nights at a time pursuant to a certificate of occupancy issued by the Township. A short-term rental may also refer to a portion of a dwelling unit available for use or is used for accommodations or lodging of guests, paying a fee or other compensation, wherein such portion of a dwelling meets all applicable requirements under this ordinance.

**B. Rental Certificate.**

An owner of a dwelling unit shall not rent or allow to be rented a dwelling unit or a portion thereof to another person for less than 30 nights at a time, unless the owner or the owner's authorized agent has obtained a short-term rental certificate for that dwelling unit in accordance with the requirements of this ordinance.

(1) **Application:** An application for a short-term rental certificate shall include the following information:

(a) Address of property

(b) Property owner name(s) and address if different than the address of the short-term rental property

(c) Signature(s) of property owner(s) and caretaker

(d) Number of bedrooms in the dwelling unit. If the rental is not a whole house rental, the total number of bedrooms in the dwelling and the number that are part of the short-term rental.

(e) Contact information including: name, address, and 24-hour contact phone number for the owner of the property and the caretaker, if applicable.

(f) A plot plan sketch of the property indicating (i) the location of off- street parking spaces; (ii) locations of all buildings on the property; and (iii) an indication of which buildings and portions of buildings are intended to be used for the short-term rental, or in the case of a multi-dwelling building, which dwelling units are intended to be used for the short-term rental.

(g) A floor plan sketch of the dwelling indicating (i) locations of bedrooms, bathrooms, kitchens, and wet bars (ii) locations of exterior doors and escape windows; and (iii) locations of smoke detectors, carbon monoxide detectors, and fire extinguishers.

(h) A Septic and Well Status Report from the Lapeer County Health Department for all septic systems servicing the property.

(i) Payment of an application fee set by resolution of the Township Board.

**(2) Certificate.**

(a) A certificate shall be valid for a period of 1 year.

(b) A certificate is required for each dwelling unit to be rented on a short-term basis.

(c) A certificate will be issued within 30 days of receipt of a complete application provided the application complies with applicable requirements of this section.

(d) The certificate shall indicate the maximum number of guests that can be accommodated at the rental.

(e) The certificate shall indicate the maximum daytime capacity that can be accommodated at the rental.

(f) Certificates will expire on December 31st of each calendar year. Applicants may apply for a certificate anytime for a certificate effective in the same calendar year. Applicants may apply for a certificate beginning no sooner than October 1st for the upcoming calendar year.

**(3) Standards.** A short-term rental certificate shall be issued by the Marathon Township Zoning Administrator or other designated personnel when the following standards and regulations are met. After the certificate is issued the applicant shall have a continuing duty to comply with all the following standards and regulations while the certificate remains in effect.

(a) Parking. No on-street parking of any motor vehicles, trailers, or any trailered vehicles on any public or private roadways shall be permitted in association with a short-term rental. For purposes of this section, "roadway" includes the pavement, shoulder, and full road easement or right-of-way.

(b) Trash. Refuse and recyclables shall be stored in appropriate containers with tight-fitting lids and shall be regularly picked up by a licensed waste hauler.

(c) Capacity Limit. Capacity limits will be determined as follows:

(i) The maximum number of renters to be accommodated shall be equal to the number of bedrooms the septic system is designed to accommodate multiplied by a factor of 2. Maximum number of renters is in effect between the hours of 10:00 pm and 7:00 am.

(ii) The maximum daytime capacity shall be equal to the maximum number of renters to be accommodated as calculated above multiplied by a factor of 1.5. Maximum daytime capacity is in effect between the hours of 7:00 am and 10:00 pm.

(iii) In the case of a rental for a portion of a dwelling unit, the maximum number of renters shall be equal to the number of bedrooms intended to be rented multiplied by a factor of 2. There shall be provided a minimum septic capacity as demonstrated under the provisions of this section for all renters and minimum of one additional bedroom to accommodate the on-site host.

(iv) The Septic and Well Status Report from the Lapeer County Health Department shall clearly indicate the number of bedrooms the system was designed to accommodate.

(v) In the event that there is no septic disposal permit on file with the Lapeer County Health Department, a current Septic Inspection Report will be used to determine the bedroom capacity of the on-site septic system provided that the inspector made a finding that the system meets all current standards of the Lapeer County Health Department's Environmental Health Regulations and the system is in good operational status.

(vi) The certificate issued by the township shall indicate the maximum number of renters and the maximum daytime capacity that may be accommodated as calculated under these standards.

**4. Contact and Response.** The certificate holder or a caretaker representing the property owner must be available at a telephone number that is current and operational at all times and must be physically located within 30-minute travel distance of the property in the event of an emergency or an issue that requires immediate attention.

**5. Noise.** Short-term rentals are subject to the Township's Noise Ordinance.

**6. Pets.** Pets shall be always secured on the premises or on a leash.

**7. Campfires.** Any campfires at a short-term rental property shall:

(a) Be contained within a fire ring or other comparable container.

(b) Be located no less than 10 feet from any structure or any combustible material and be located away from overhanging tree branches.

(c) Be under the direct supervision of an adult at all times.

(d) Be fully extinguished prior to leaving the fire.

(e) Require issuance of a burn permit for each rental occurrence.

**8.** **Dwelling Unit Standards**. All short-term rentals must meet the following dwelling unit standards:
(a) The short-term rental is a complete and approved single-family dwelling unit; or
(b) The short-term rental is a guest house as defined herein, provided that (1) the guest house qualifies as a legally existing nonconforming use under the Township Zoning Ordinance, and further provided that it is the only short-term rental unit on the subject parcel of land, or (2) the short-term rental is a portion of a dwelling unit, provided that
(i) This is the only short-term rental on the subject parcel of land.
(ii) This portion of the dwelling unit does not contain a kitchen as it is defined in this section but may contain a wet bar.
(iii) The emergency contact is present on site during short-term rental of the allowed portion of a dwelling unit.
(iv) The short-term rental shall not be a multiple family dwelling unit as defined herein.

**9.** **Boats.** Renters of a short-term rental located on property fronting or having access to a private lake may use boats owned only by the owner of the short-term rental property and moored at the subject property with the owner's written consent.

**10.** **Grounds for Suspension or Revocation**. Marathon Township may revoke a certificate upon a showing that:
(a) any of the information in the certificate application is materially false, incorrect or is leading;
(b) the short-term rental no longer complies with the standards contained in this section;
(c) any of the provisions of this section are violated.

**Section 7. Effective date.**
This ordinance shall take effect thirty days after publication.

## Section 18.26 Wind Energy Systems

Wind Energy Systems (WES): Means any combination of the following:
a. A mill or machine operated by wind acting on oblique vanes or sails that radiate from a horizontal shaft.
b. A surface area such as a blade, rotor, or similar device, either variable or fixed, for utilizing the wind for electrical or mechanical power.
c. A shaft, gearing belt or coupling utilized to convert the rotation of the surface area into a form suitable for driving a generator, alternator, or other electricity-producing device.
d. The generator, alternator, or other device to convert the mechanical energy of the surface area into electrical energy.
e. The tower, pylon, or other structure upon which any, all, or some combination of the above are mounted.

**A. Commercial Wind Energy Systems**
Wind energy systems, other than those exempted under subsection (B) above, may be allowed as special land uses in the AR Agricultural Residential, C-1 Commercial, and I-1 Industrial Zoning Districts pursuant to Article XVI and the following requirements:

1. The applicant shall submit a written explanation of the design characteristics and the ability of the structures(s) and attendant facilities to withstand winds, ice, and other naturally occurring hazards. This information shall address the potential for the windmill to topple over or collapse and what tower configuration should be expected in such an event.
2. The minimum setback from any property line or road right-of-way shall be equal to 125% of the height of the windmill blades at the highest point.
3. The minimum clearance from ground level to the blade at its lowest point shall be twenty (20) feet.
4. The site and the base area shall be maintained in a neat manner and locked to prevent unauthorized access.
5. The windmills and related equipment shall comply with all current guidelines published by the Energy Office of the State of Michigan or its successor agency.

6. The provisions of subsection C.10 and C011 above shall be complied with as to electrical generation windmills.

**End of Article 18**

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# Article 19
# SOLAR ORDINANCE

## Section 19.01 DEFINITIONS

**Solar energy collector:** A panel or panels and/or other devices or equipment, or any combination thereof, that collect, store, distribute, and/or transform solar, radiant energy into electrical, thermal, or chemical energy for the purpose of generating electric power or other form of generated energy for use in or associated with a principal land use on the parcel of land on which the solar energy collector is located and, if permitted, for the sale and distribution of excess available electricity to an authorized public utility for distribution to other lands.

**Solar energy collector, building mounted**: A solar energy collector attached to the roof or wall of a building, or which serves as the roof, wall, window, or other element, in whole or in part, of a building. The primary purpose of which is to provide energy to the building on which it is mounted.

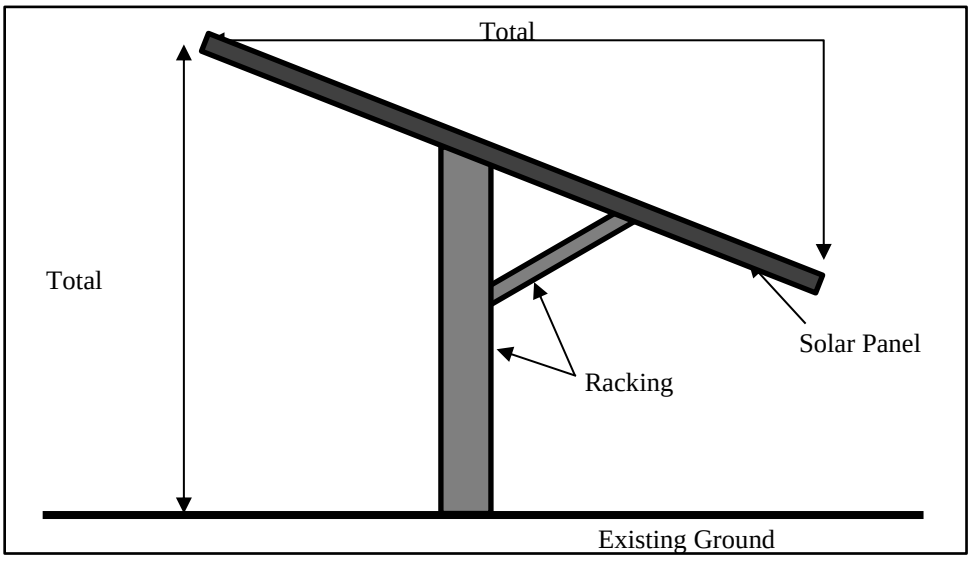
**Solar energy collector, ground mounted**: A solar energy collector that is not attached to and is separate from any building on the parcel of land on which the solar energy collector is located. The primary purpose of which is to provide energy to the parcel of land on which it is located.

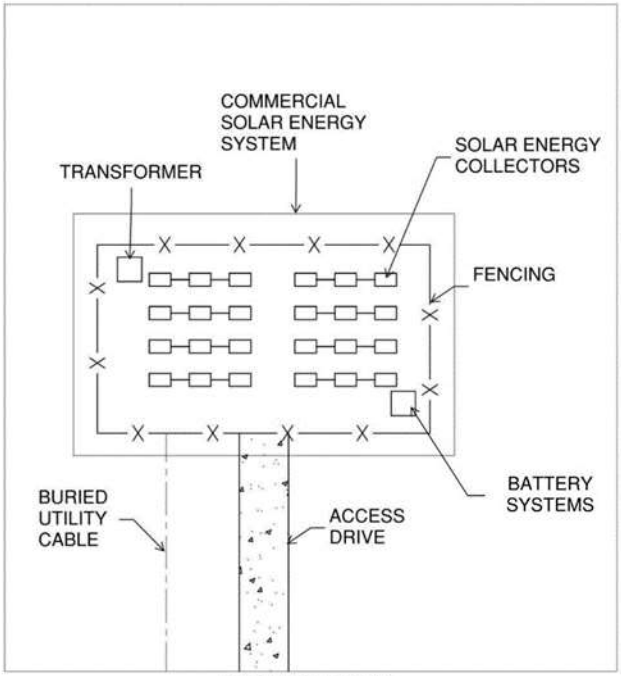
**Solar energy collector, racking**: Any structure or building material used in the mounting of a solar panel, whether for a building mounted, ground mounted, or commercial solar energy system. See the figure below for additional detail.

**Solar panel**: A panel consisting of an array of solar cells used to generate electricity directly from sunlight.

**Solar energy system, commercial**: A utility-scale facility of solar energy collectors with the primary purpose of wholesale or retail sales of generated electricity. Commonly referred to as solar farms.

*Solar Energy Collector, Ground Mounted and Commercial Solar Energy System Figure*




COMMERCIAL
SOLAR ENERGY
SYSTEM
TRANSFORMER
SOLAR ENERGY
COLLECTORS
FENCING
BATTERY
SYSTEMS
BURIED
UTILITY
CABLE
ACCESS
DRIVE
RIGHT-OF-WAY

## Section 19.02 TABLE OF USES

| R=Use by Right SLU=Special Land Use<br>A=Accessory Use<br><br>USE | | Agriculture | R -1 | R -2 | R -3 | R - 4 | R - 5 | R - 6 | Commercial | Light Industrial |
|---|---|---|---|---|---|---|---|---|---|---|
| Solar Energy Collector, Building Mounted | | A | A | A | A | A | A | SLU | R | R |
| Solar Energy Collector, Ground Mounted | | A | A | A | A | A | A | SLU | SLU | SLU |
| Solar Energy System, Commercial | | SLU | SLU | SLU | SLU | SLU | SLU | SLU | SLU | SLU |

## Section 19.03 SOLAR ENERGY COLLECTORS

The intent of this section is to provide for the reasonable utilization and location of private solar energy collectors in Marathon Township, with appropriate controls to limit negative impacts on adjacent properties.

A. **All solar energy collectors**, whether a building mounted, ground mounted, or commercial solar energy system shall comply with the following standards:

1. Solar energy collectors and racking shall be located in the least visibly obtrusive location where solar panels would be functional.
2. The installation of any solar energy collector shall not negatively impact adjacent properties with additional or excessive storm water runoff and/or drainage.
3. It shall be shown that all solar panels are adequately secured to the surface upon which they are mounted and that the mounting structure or racking has the capability of supporting the panels.
4. All solar panels shall have tempered, non-reflective surfaces.
5. The installation of any solar energy collector shall not require or be reliant upon the clear cutting of trees or other vegetation.
6. All solar energy collectors shall be removed, repaired, or replaced if nonfunctional.
7. Solar energy collectors shall conform to applicable industry standards including those of the American National Standards Institute (ANSI).
8. Solar energy collectors shall be installed, maintained, and used only in accordance with the manufacturer's directions. Upon request, a copy of such directions shall be submitted to the Building Official prior to installation.
9. Solar energy collectors, installation, and use shall comply with construction code, electrical code, and other state requirements.
10. Building official approval is required prior to the installation of any solar energy collector.

B. **Building mounted solar energy collectors** for private use are permitted in zoned Agricultural, Residential 1, 2, 3, 4 and 5, Commercial and Light Industrial zoning districts, provided they comply with the following requirements. The exception is zone R-6 Multifamily which is allowed by Special Land Use.

1. Shall be such a weight to be safely supported by the structure. Building mounted solar energy collectors shall be permanently attached to a building.
2. Shall not be mounted on a building wall that is parallel to an adjacent public right-of-way.
3. Shall not project above the roof line and shall not exceed the maximum height allowed in the Zoning District.
4. Shall not be located within three feet of any peak, eave, or valley to maintain adequate accessibility.

C. **Ground mounted solar energy collectors** for private use are permitted in Agriculture, Residential 1, 2, 3, 4 and 5, provided they comply with the following requirements. In zone R-6 Multifamily, Commercial and Light Industrial are allowed by Special Land Use.
   1. May be located only in rear and side yards and are not permitted within the setback areas of the zoning district.
   2. Shall not exceed 12 feet in height, as measured from ground level to the highest point of the solar panel.
   3. Shall be permanently, and safety attached to the ground. Proof of the safety and reliability of the means of such attachment shall be subject to approval of the building official.
   4. The total area of ground-mounted solar energy collectors shall be included in calculation of lot coverage and shall not exceed maximum lot coverage for the zoning district (see Article 10), or the maximum square footage allowed for accessory buildings or structures (see Article 10).
   5. When located within 200 feet of a neighboring residential dwelling unit, a buffer zone shall be required to visually screen the ground mounted solar energy collector.

D. **Commercial Solar Energy Systems** designed to produce electricity for retail or wholesale sales are permitted by special land use in the Agricultural – Residential District only. Commercial Solar Energy Systems must comply with the following requirements in addition to the requirements listed above for all solar energy collectors.

   1. In addition to the information **required for site plans outlined in Article 4** of this ordinance, applications for commercial solar energy systems shall include the following:
      i. **Project Description and Rationale**. Identify the type, size, rated power output, performance, safety, and noise characteristics of the system including the transmission line/grid connection for the project. Identify the project construction time frame, project life, development phases (and potential future expansions) and likely markets for the generated energy.
      ii. **Visual Impacts**. Graphically demonstrate the visual impact of the project using photos and/or renderings of the project with consideration given to setbacks and proposed landscaping. Renderings or elevation drawings that illustrate the perspective of adjacent dwelling units and from the public right-of-way shall be provided.
      iii. **Environmental Analysis.** Identify any impacts on water and air quality and supply for the area.
      iv. **Waste.** Identify any solid or hazardous waste generated by the project.
      v. **Lighting.** Provide plans showing all lighting within the facility.
      vi. **Transportation Plan.** Provide a proposed access plan during construction and operational phases.
      vii. **Access.** Show proposed project service road ingress and egress locations onto adjacent roadways and the layout of the facility service road system.
      viii. **Public Safety.** Identify emergency and normal shutdown procedures. Identify potential hazards to adjacent properties, public roadways and to the public that may be created.
      ix. **Sound Limitations.** Identify noise levels at the property lines of the project when completed and operational.
      x. **Telecommunications Interference.** Identify any electromagnetic fields and communications interference that may be generated by the project.
      xi. **Decommissioning.** Provide a Decommissioning Plan acceptable to the Planning Commission to ensure that structures and appurtenances are properly decommissioned upon the end of their operational life, inoperability, or abandonment. See subsections 5 and 6.

   2. Commercial Solar Energy Systems shall conform with the following design requirements.
      i. **Setbacks.** All solar energy collectors and support structures or equipment associated with the facility (excluding perimeter fencing) shall comply with the following setback requirements:
         a. Be setback a minimum of 100 feet from any property line or public right-of-way line.
         b. Be setback a minimum of 200 feet from any dwelling unit.
      ii. **Height.** shall not exceed 12 feet, as measured from ground level to the highest point of the solar panel.

iii. **Noise.** No sound from the solar energy system may be audible at the property lines.

iv. **Lighting.** No light may adversely affect adjacent parcels. All lighting must be shielded from adjoining parcels.

v. **Buffering.** A buffer as required by Article 23 shall be provided on all property boundaries of the proposed commercial solar energy system site. The Planning Commission may require modifications to these requirements including the use of fencing or other screening and buffering techniques as determined necessary to adequately screen the commercial solar energy system from adjacent dwelling units and other land uses that may be negatively impacted.

a. All commercial solar energy facilities shall have a minimum landscape buffer of 30 feet. The buffer shall contain evergreen trees or bushes planted no more than 20 feet apart and at least 8 feet tall at time of planting and required two (2) rows staggered. The buffer shall obtain a height of 10 feet within 3 growing seasons. The trees or bushes may be trimmed but no lower than a height of 15 feet. Required maintenance plan for trees planted and replacement plan if any trees are either damaged, destroyed, or diseased and shall be replaced within 30 days by the solar company.

vi. **Water and Soil.** Commercial solar energy systems shall provide for stormwater detention on-site and shall provide plans to maintain soil quality and prevent run-off onto adjacent properties or drains.

3. The total size of a commercial solar energy system located on a single parcel or multiple parcels that form a single contiguous site shall be no greater than 160 acres.

4. Decommissioning

i. Any commercial solar energy system that is not operated or found to be inoperable due to disrepair for a continuous period of six months shall be considered abandoned. If it is found abandoned, the Planning Commission, upon notice by the Zoning Administrator, shall provide written notice to the applicant/owner/operator of a hearing before the Planning Commission to hear evidence that the solar farm should not be decommissioned.

ii. If a commercial solar energy system is repaired, a Professional Engineer (hired at the expense of the owner or operator) shall certify its safety prior to the resumption of operation.

iii. Within 60 days of the hearing where the Planning Commission has determined that a commercial solar energy system is abandoned or inoperable, the owner/operator shall obtain a permit from the township, and any other necessary entities to remove all structures and equipment, consistent with the approved decommissioning plan.

iv. Failure to obtain necessary permits within the 60-day period provided in this subsection shall be grounds for the township to remove the commercial solar energy system at the Owner's or Operator's expense, consistent with the decommissioning plan.

v. Decommissioning shall include removal of all equipment, including all materials above and below ground, The site shall be restored to a condition that reflects the specific character of the site including topography, vegetation, soils, drainage, and any unique environmental features.

a. The restoration shall include road repair and hazardous waste cleanup, if any, all re-grading, soil stabilization, and re-vegetation necessary to return the subject property to a stable condition consistent with conditions existing prior to establishment of the commercial solar energy system.

b. The restoration process shall comply with all state, county, or local erosion control, soil stabilization and/or runoff requirements or ordinances and shall be completed within one year.

c. Extensions may be granted upon request to the Planning Commission prior to expiration of the one-year requirement for completed decommissioning.

5. Decommissioning Plan. Prior to site plan approval, a commercial solar energy system shall have a plan approved by the township for decommissioning the site. A Decommissioning Plan shall be submitted for review and approval detailing the expected duration of the project, how the improvements will be decommissioned, a Professional Engineer's estimated cost of decommissioning, the financial resources to be used to accomplish decommissioning, and the surety bond holder, letter of credit, or other similar financial instrument with which the financial resources

shall be deposited. The decommissioning plan shall address all applicable items in the previous subsection as well as the following.

i. The financial resources for decommissioning shall be in the form of a surety bond, letter of credit, or similar financial instrument with a replenishment obligation and shall be deposited by an agent acceptable to the township.

ii. The financial resources for decommissioning shall be 125 percent of the estimated removal and restoration cost. The Planning Commission shall require independent verification of the adequacy of this amount from a Professional Engineer.

iii. The Planning Commission shall annually review the amounts deposited for removal, site restoration, and administration costs are adequate for these purposes. If the Planning Commission determines that these amounts are not adequate, the township shall require the owner/operator to make additional deposits to increase the amount of the surety bond to cure such inadequacy.

iv. If decommissioning is not completed by the applicant within one year of the end of project life, inoperability of solar farm or facility abandonment, the township shall have access to the financial resources for decommissioning for the expressed purpose of completing decommissioning. Funds may be used for administrative fees and costs associated with decommissioning.

v. The township is granted the right of entry onto the site, pursuant to reasonable notice, to effect or complete decommissioning.

vi. The township is granted the right to seek injunctive relief to effect or complete decommissioning, as well as the township's right to seek reimbursement from the applicant or applicant's successor for decommissioning costs in excess of the amount provided for in the decommissioning plan and to file a lien against any real estate owned by applicant or applicant's successor, or in which they have an interest, for the amount of the excess, and to take all steps allowed by law to enforce said lien.

6. Applicants submitting a site plan and conditional use application to Marathon Township for a commercial solar energy system shall deposit $7,500 with the township in an escrow account to address the costs of professional and legal review of the application. If this fund is expended prior to action being taken on the application, the township may request additional deposits.

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**End of Article 19**

# Article 20
# SIGNS

## Section 20.01 PURPOSE

The purpose of this Article is to provide a framework for the display of signs to accommodate the legitimate identification, advertising and informational needs of all land uses and to ensure free speech rights guaranteed by the First Amendment to the U.S. Constitution, including the expression of personal, religious, political and ideological views. It is the purpose of this Article to provide such signage needs and opportunities in a manner that is balanced with the desired stability and enhancement of residential and non-residential areas including property values, the safety of the Township's road corridors, and the Township's prevailing desired visual character. It is recognized that unrestricted or unregulated signage does not support the desired character of the Township nor benefit either private enterprise or the community-at-large. Unrestricted signage encourages traffic safety hazards, visual clutter, confusion for vehicle drivers, visual blight, and decreased property values, and undermines the desired visual character of the Township including its business centers and residential neighborhoods, and its economic development initiatives. This Article recognizes that certain activities and uses of land are temporary in nature and though temporary, have reasonable signage needs, and this Article is intended to permit temporary signage consistent with the regulatory framework described above.

## Section 20.02 DEFINITIONS

**A. Banner Sign:** A temporary sign composed of cloth, canvas, plastic, fabric or similar lightweight, non-rigid material that is mounted on a wall.

**B. Electronic Message Center (EMC) Signs:** A sign that is capable of displaying words, symbols, figures or images that can be electronically or mechanically changed by remote or automatic means. An EMC sign may be a free-standing sign, monument sign, or wall sign, as defined herein.

**C. Free-Standing Sign:** A sign face supported by a center or multiple poles, posts or other support mechanisms, and which does not constitute a wall sign or temporary sign.

**D. Monument Sign:** A free-standing sign, the bottom of which sign face is twenty-four (24) inches or less above the ground below, and which may be supported by a center or multiple poles, posts or similar support mechanisms, or may extend down and into the ground, similar in character to a monument.

**E. Illumination/Illuminate:** The act of highlighting the visual presence and/or impact of a sign by the use of artificially created light, such as through electrical devices.

1. "Internal illumination" refers to the incorporation of the light source behind the sign face intended to be highlighted and enclosed within the framing of the sign. For the purpose of this Article, an EMC sign shall be construed to be an internally illuminated sign.
2. "External illumination" refers to the placement of the light source in front, above, below and/or to the side of the sign face intended to be highlighted. External illumination is not enclosed within the framing of the sign.

**F. Permanent Sign:** A sign designed or intended to last or remain unchanged indefinitely, including attachment the ground, wall or other structure in such manner that the sign cannot be easily removed and/or relocated. A permanent sign shall be construed to be the same permanent sign despite modifications to the message of such sign.

**G. Projecting Sign:** A sign mounted on a building façade, generally perpendicular to the building façade and which projects more than eighteen (18) inches from the wall over the ground surface below, and is designed or intended to be principally viewed from a position generally alongside the façade and not viewed from a position generally facing the façade. A sign on a marquee, canopy or awning-type structure, irrespective of the direction the sign faces, shall not be construed as a "projecting sign."

**H. Sign:** Any words, lettering, parts of letters, figures, numerals, phrases, sentences, emblems, devices, designs, banner, flag, pennant, trade names or marks, or other representation, or combination thereof, designed for the purpose of directing attention to, advertising, identifying, expressing or making known something including, but not limited to, an individual, a firm, an association, a profession, a business, a commodity or product, an activity, a belief, a philosophy, or an idea, which is located upon any land or structure on or in any building and intended to be viewed from the outdoors.

**I. Temporary Sign:** A sign designed to be moved periodically or displayed for a limited and comparatively short period of time only, without a foundation, footing or similar permanent underground, wall or structure anchoring system, such as in the case of a "grand opening" sign, a sign announcing an upcoming community event, and signs mounted on wheeled trailers. A temporary sign shall be construed to be the same temporary sign despite modifications to the location or message of such sign during the period the sign is displayed.

**J. Wall Sign:** A sign which is attached directly to a building wall with the sign area surface flat against or generally parallel to the building wall, within eight (8) inches from the face of the wall, including signs painted on a building wall and signs on a projecting rigid or non-rigid fabric marquee, canopy or awning-type structure.

## Section 20.03 GENERAL STANDARDS and REGULATIONS

### A. Compliance, Permits and Review

1. Compliance Required: No sign shall be erected, used or maintained unless in compliance with the regulations of this Article.
2. Required Permit/Review: All signs shall require a zoning permit prior to placement, erection, replacement or alteration unless exempted by subsection (4) below. All signs shall require a building permit as may be required by the Michigan Building Code.
    a. A sign application for a use subject to site plan review according to Article 14 shall be acted upon as provided by Article 14, either as part of the site plan review procedure for the entire project or as part of a proposed revision to a previously approved site plan.
    b. A sign application for a use that is not subject to site plan review according to Article 14 shall be acted upon by the Zoning Administrator.
3. Application Information: An application for a zoning permit for a sign shall include the following additional supporting information:
    a. The location and placement of the proposed sign on the lot and/or building façade including proposed setbacks from lot lines, easements and driveways.
    b. A fully dimensioned scale drawing of the plans, specifications and method of construction and/or attachment. Drawings shall include the sign area and height and the sign's colors and construction materials. In the case of a wall sign, the dimensions of the wall on which the sign is to be attached shall be provided.
    c. Any other information the approving body may require to establish conformance with the Ordinance.
4. Signs Exempt from Permit/Review: The following signs are exempt from the provisions of subsection (2) above but shall conform to all other regulations and standards of this Article including sign area, height and setback standards.
    a. Signs required by a public agency having jurisdiction over a road right-of-way.
    b. Official notices issued by a public agency, court, or government official.
    c. Signs painted on operating, licensed commercial motorized vehicles.
    d. Ordinary maintenance, servicing, repainting, cleaning, altering, or changing the information of an existing sign, provided the size, location and/or structure are not changed.
    e. Indoor signs affixed to or covering windows.
    f. Signs authorized under Section 20.06 and 20.07.
    g. Signs less than six (6) sq. ft. in area not otherwise listed above.

### B. Construction, Maintenance and Abandonment

1. Building Code: All signs shall be constructed and maintained in a manner consistent with building code provisions and maintained in good structural condition at all times, free of hazards to the general public. Signs shall not be constructed from materials that are remnants or manufactured for a different purpose. No sign shall be erected prior to the receipt of all building permits as may be necessary under the Michigan Construction Code.
2. Integrally Designed: A sign shall be integrally designed so that its elements are of a unified character and are not comprised of an assemblage of different sign types and materials. No support shall be used accommodate multiple signs intended to serve the same business, tenant or occupant of a lot.
3. Width/Length Ratio: No free-standing sign shall have a dimension that exceeds five times that of its opposite dimension, such as in the case of a sign's width and length.
4. Maintenance: All signs shall be kept neatly painted, stained, sealed or preserved including all metal parts and supports. Signs shall be maintained free of peeling material, fading, rust, rot, insect infestation or other conditions reflective of a state of disrepair.

**C. Lighting:**

1. Authorized Lighting: Signs may be illuminated unless specified otherwise, and may be internally or externally illuminated unless specified otherwise. Lighting shall comply with the National Electrical Code.
2. Moving Illumination: No sign shall include flashing, blinking, moving or variable intensity illumination except as authorized in subsection (5) below in association with an EMC sign.
3. Exterior Illumination: The source of exterior sign illumination shall be shielded from public road right-of-ways and adjacent properties, and shall not be visible beyond the property line of the lot on which the sign is located. All externally lit signs shall be illuminated by lights affixed to the sign and directed downward on the sign face only. This subsection (3) shall not apply to neon lights, and exposed bulbs not exceeding fifteen (15) watts, provided such signs shall not exceed four (4) sq. ft. in area.
4. Interior Illumination: The source of interior sign illumination shall be shielded from public road right-of-ways and adjacent properties, and shall not be visible beyond the property line of the lot on which the sign is located.
5. EMC Signs:
   a. An image on an EMC sign, and any portion of an image on an EMC sign, shall stay constant for a minimum of thirty (30) seconds, without any change in movement, light intensity or color. Message scrolling and similar moving messages are prohibited.
   b. Any change or transition in display on an EMC sign shall not exceed one (1) second in duration.
   c. An EMC sign shall have no message changes during hours that the business or use is not open or otherwise available to the public.
   d. An EMC sign shall be equipped with automatic dimming technology that automatically adjusts the sign's brightness in direct correlation with ambient light conditions. No EMC sign shall exceed a brightness level of 0.3 foot candles above ambient light as measured using a foot candle meter at a distance determined by the square root of the sign's square foot area multiplied by 100. An example of such a determination in the case of a 12 sq. ft. sign is:

$$\sqrt{(12 \times 100)} = 34.6 \text{ feet measuring distance}$$

**D. Measurements**

1. Sign Area: The area of a sign shall be computed by calculating the square footage of a sign face as measured by enclosing the most protruding points or edges of all sign faces of the sign within a parallelogram, rectangle, triangle, or circle, or combination thereof, including any framing.
   a. Where a sign has two (2) or more similarly shaped faces placed back-to-back, parallel to one another and less than eighteen (18) inches apart from one another, the area of the sign shall be the area of one (1) face.
   b. Where a sign has two (2) faces placed back-to-back, parallel to one another and less than eighteen (18) inches apart from one another, but the signs are of differing sizes, the sign area shall be that of the larger sign.
   c. In the case of a sign with three or more faces, the area of the sign shall be the area of all faces combined. Sign faces separated by more than eighteen inches (18") shall be considered to have three (3) or more faces.
2. Sign Setbacks: Sign setbacks shall be measured from the lot line horizontally to the nearest edge of the sign. The "nearest edge of the sign" shall be the leading edge of the sign closest to such lot line as viewed from above in plan or bird's eye view.
3. Sign Height: The height of a sign shall be measured from the highest point of the sign, including all frame and structural members of the sign, to the average ground elevation within ten (10) feet of the sign base. The height of a sign placed upon a berm shall be measured from the base elevation of the berm.

**E. Prohibited Signs.** The following signs are prohibited:

1. Traffic Interference Signs:
   a. Signs which, due to location, design, color, or lighting, encourage confusion among drivers due to unauthorized traffic signs, signals or devices, or signs that make use of the words "stop", "look", "danger" or any word, phrase, symbol or character in such manner as to interfere with, mislead or confuse drivers or pedestrians.
   b. Signs that obstruct free and clear vision of approaching, intersecting or merging traffic.
2. Moving and Flashing Signs: Signs that have flashing lights, visible moving parts, visible revolving parts or visible mechanical movement of any type, or other apparent visible movement irrespective of the cause of the movement including running copy signs.
   a. Banners, pennants, festoons, spinners and streamers, and similar devices, which move due to wind or mechanical devices and which are intended to draw attention to a location are considered moving

signs and are prohibited except as otherwise expressly authorized in association with a temporary sign according to Sec. 20.06.

b. This subsection (2) shall not be construed to prohibit EMC signs or signs that rely on light-emitting diodes (LEDs) provided such signs are in compliance with Sec. 20.03(C).

c. Signs that obstruct ingress or egress from a door, window or emergency exit.

3. Projecting Signs and Roof Signs: Projecting signs as defined herein and signs affixed to a roof and other signs that extend in height above any portion of the roof behind such sign.
4. Vehicle Signs: Signs greater than thirty (30) sq. ft. when located on parked vehicles within forty (40) feet of a public right-of-way, where the primary use of the vehicle is the display of such sign. This restriction shall not apply to parked vehicles during the period of their loading and/or unloading.
5. Banners: Signs comprised of banners except as otherwise expressly authorized in association with a temporary sign according to Sec. 20.06.
6. Sexual Content: Signs that have any words, lettering, photographs, silhouettes, drawings, or pictorial representations of a sexually explicit character including any sign elements portraying "specified anatomical areas" or "specified sexual activities" as defined in Article 18 under "Sexually Oriented Businesses."
7. Right-of-Way Signs: Signs placed in, upon, or over any public right-of-way, alley, or other public place, except upon approval of the governmental entity having jurisdiction over such right-of-way, alley, or other public place.
8. Obstruction of Access Way: Any sign that obstructs ingress or egress from any required door, window, fire or other required or access necessary way.
9. Other Signs:
   a. Signs that emit audible sound, odor, or visible matter.
   b. Any sign or sign structure which constitutes a hazard to public health or safety due to inadequate maintenance.
   c. Any sign not expressly authorized by this Ordinance or otherwise unlawfully installed, erected or maintained.

**F. Window Signs:** No sign affixed to or covering a window which is intended to be viewed from the outside shall exceed one-quarter (25%) of the total window area except in the case of a temporary sign authorized by Section 20.06. Window signage in excess of a total of sixteen (16) sq. ft. shall be applied to the calculation of total wall sign area.

## Section 20.04 NONCONFORMING SIGNS

**A. Continuance:** The continuance of a lawful use of any sign existing on the date of adoption of this Ordinance or amendment thereto, although such sign may not conform to the provisions of this Article, shall be permitted according to Article 6 except that the following are prohibited:

1. Replacement: A nonconforming sign shall not be replaced with another nonconforming sign. This limitation shall not prohibit replacing the message of the nonconforming sign provided no structural or frame alterations are made to such sign.
2. Alterations: A nonconforming sign shall not be structurally altered or undergo changes to its shape, size, type, or design except where such changes shall result in removing all nonconforming aspects of the sign.
3. Destruction: Should a nonconforming sign be destroyed by any means to an extent of more than fifty percent (50%) of its replacement value, exclusive of foundations, it shall not be reconstructed except in conformity with the provisions of this Article.

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## Section 20.05 PERMITTED PERMANENT SIGNS by DISTRICT

Table 20.05-1 identifies authorized signs in each district according to the limitations specified in the Table regarding sign type, number, area, height and setbacks. Table 20.05-1 applies to signs that do not constitute temporary signs as defined in this Article. See Section 20.07 regarding temporary signs. Nothing in Table 20.05-1 shall be construed as authorizing a sign, sign area, sign height or sign setback that is otherwise regulated by other Sections of this Article. The signs authorized by this Section are permitted in addition to the signs authorized by Sections 20.06 and 20.07.

**Table 20.05-1**

See "Special Provisions" following Table.

FS = Free-Standing Sign MS = Monument Sign WS = Wall Sign

| District<br>See Sec 3.1 for District Classification | Authorized Signs and Maximum Number | Maximum Signage Area | Maximum Sign Height Above Ground | Minimum Sign Setback from Lot Lines |
|---|---|---|---|---|
| **Agricultural**<br><br>See Sec. 20.06 for dwellings. | **FS**<br>1<br><br>**WS**<br>No restrictions | **FS:** 20 sq. ft.<br><br>**WS:** 5% of the vertical area of the building façade to which the signage is attached. | **FS:** 6'.<br><br>**WS:** Top of wall but no greater than 12'. | **FS:** 10' from all lot lines. |
| **Residential**<br><br>See Sec. 20.06 for dwellings. | **FS**<br>1<br><br>**WS**<br>No restrictions | **FS:** 20 sq. ft., except that a monument sign shall not exceed 32 sq. ft.<br><br>**WS:** 5% of the vertical area of the building façade to which the signage is attached. | **FS:** 6'.<br><br>**WS:** Top of wall but no greater than 12'. | **FS:** 10' from all lot lines. |
| **Commercial and Industrial** | **FS**<br>1<br><br>**WS**<br>No limitations | **FS:** 1 sq. ft. for each 1' of building height or length generally oriented to the road, whichever is greater, measured as a straight line between the ground elevation and the lowest portion of the roof or between building corners, provided no sign shall be greater than 32 sq. ft.<br><br>**WS:** 10% of the vertical area of the building façade to which the signage is attached. | **FS:** 8' but in no case shall a monument sign exceed 6'.<br><br>**WS:** Top of wall but no greater than 20'. | **FS:** 10' from all lot lines except 20' from any side and rear lot line adjacent to an Agricultural or Residential District. |

## Table 20.05-1 Special Provisions

**A. EMC Signs:**

1. That portion of an EMC sign designed to display changing words, symbols, figures or images shall not exceed six (6) feet in height above the ground.
2. That portion of an EMC sign designed to display changing words, symbols, figures or images shall not exceed eight (8) sq. ft. in area in Commercial and Industrial Districts and shall not exceed six (6) sq. ft. in all other Districts.

**B. Corner Lot:** The standards of Table 20.05-1 shall apply to each frontage separately for a corner or through lot, provided such separate frontage meets the minimum lot width standard of the district in which it is located.

**C. Business Center Signs:**

1. Business Center Defined: For the purpose of this subsection (3), a business center shall be defined as a grouping of two or more business establishments on one (1) or more lots that are linked architecturally or otherwise developed as a unified grouping of businesses and may share parking and access.
2. Freestanding Signs: A business center shall be permitted one (1) free-standing sign not to exceed thirty-two (32) sq. ft. in area and eight (8) feet in height. Such sign shall not exceed twenty-four (24) sq. ft. where no directory is provided.
   (a) In the case of a business center that exceeds three hundred (300) linear feet of building length generally oriented toward an adjacent public road, one (1) additional freestanding sign is permitted provided a minimum of two hundred (200) feet is maintained between such signs.
   (b) In the case of a business center comprised of multiple buildings, one (1) additional monument sign shall be permitted in the general proximity of the building to which it serves and shall not exceed six (6) feet in height and twenty-four (24) sq. ft. in area.
3. Wall Signs: A business center shall be permitted one (1) wall sign according to the wall height and area standards of Table 20.05-1. In addition, each business or tenant in a building may erect one (1) or more wall signs provided the total area of all such wall signs for all businesses and tenants shall not exceed ten percent (10%) of the vertical surface area of the building façade upon which they are affixed. Wall signs serving individual businesses and tenants shall be affixed to that portion of the building façade wall enclosing the respective business or tenant except where a business or tenant includes no exterior wall area.

**D. Drive-Through Signs:** Any use that includes a drive-in or drive-through facility or other similar station where persons communicate from their vehicle with persons inside a building on the same lot shall be permitted to have signs that relate to the drive-in/drive-through facility, such as menu order board signs or information signs. One (1) drive-through sign, with a maximum height of eight (8) feet and a maximum area of thirty-two (32) sq. ft., is permitted per drive-in/drive-through use, and shall not be included in the computation of total sign area for the lot unless such signs are legible from a point of observation off the premises.

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## Section 20.06 ADDITIONAL PERMANENT SIGNS PERMITTED in ALL DISTRICTS

**A. Authorization and Limitations:** The signs delineated in subsection (B) shall be permitted in all Districts in addition to the signs authorized by Section 20.05, subject to the standards and limitations prescribed herein. This Section applies to signs that do not constitute temporary signs as defined in this Article. See Section 20.07 regarding temporary signs.

1. Section 20.03: Signs shall comply with Section 20.03.
2. Setbacks: Unless provided otherwise by this Article, signs authorized by this Section shall be set back from side and rear lot lines a minimum distance equal to the setback standards prescribed in Section 10.08, and a minimum distance of ten (10) feet from the front lot line.
3. Illumination: Signs may be illuminated unless otherwise provided.
4. Area Calculations: Signs permitted by this Section shall not be applied toward the permissible sign areas authorized by Section 20.05.

**B. Permitted Signs**

1. Dwellings:
   a. One (1) sign may be erected on a lot on which a single-family or two-family dwelling is located, not to exceed three (3) sq. ft. in area. In the case where an authorized home occupation is conducted in association with the single-family or two-family dwelling, one (1) additional sign is permitted provided such sign does not exceed two (2) sq. ft. in area and is setback a minimum distance of ten (10) feet from all lot lines.
   b. One (1) sign may be erected within ten (10) feet of a building entrance within a multiple family dwelling. Such sign shall not exceed three (3) sq. ft. in and may be illuminated.
   c. The limitations of subsections (a) and (b) shall not prohibit the display of an additional non-illuminated address identification sign, part of a mailbox or mailbox support, and in compliance with U.S. Postal standards, to facilitate identification of the property for postal, emergency, and other vehicles.
2. Entrance Signs:
   a. One (1) sign is permitted at an entrance driveway excluding driveways serving single-family and two-family dwellings. Such sign shall not exceed four (4) sq. ft. in area and four (4) feet in height and shall be located within ten (10) feet of the edge of the driveway and street right-of-way.
   b. One (1) sign is permitted at an entrance to a residential or non-residential development consisting of a platted subdivision, condominium subdivision, multiple family development, manufactured housing community, or other unified development consisting of at least five (5) dwelling units or at least three (3) buildings used for commercial, industrial or institutional purposes. Such sign shall not exceed thirty-two (32) sq. ft. in area and five (5) feet in height, except that such sign shall not exceed six (6) feet in height when located in an approved planting bed.
   c. One (1) sign is permitted at a building entrance of a business, agency or other facility, excluding single-family and two-family dwellings. Such sign shall have a maximum height of six (6) feet and shall not exceed eight (8) sq. ft. in area. The sign shall not be farther than ten (10) feet from such door.
3. Parking Lot Signs: Signs located in a parking lot and/or within ten (10) feet of the parking lot are permitted provided such signs are no greater than three (3) sq. ft. in area and three (3) feet in height, and such signs are spaced a minimum of forty (40) feet from each other.

## Section 20.07 Additional Permitted Temporary Signs

**A. Authorization and Limitations:** In addition to all other signs authorized by Sec. 20.05 and Sec. 20.06, temporary signs are permitted according to the requirements and limitations of this Section.

**B. Purpose:** A temporary sign may be used for any purpose including, but not limited to, announcements pertaining to a grand opening, an upcoming special event, or the availability of a dwelling or real estate for sale or rent; seasonal celebrations; construction signs providing information about the project under construction; and expressions of political, religious and ideological views.

**C. Illumination:** A temporary sign shall not be illuminated except in association with a seasonal celebration or where otherwise attached to a building wall and provided there is compliance with Section 20.03.

**D. Area Calculations:** Signs permitted by this Section shall not be applied toward the permissible sign areas authorized by other sections of this Article.

**E. Agricultural and Residential Districts:** The following restrictions shall apply to temporary signs in Agricultural and Residential Districts:

1. Number: No more than one (1) temporary sign shall be displayed on a lot at any time for each one-hundred (100) feet of the lot's road frontage or portion thereof.
2. Sign Area: Temporary signs shall not exceed four (4) sq. ft. in area except when attached to a building wall, in which case such sign shall not exceed eight (8) sq. ft. in area. In the case where the lot is comprised of more than ten (10) dwelling units or ten (10) tenant spaces, a temporary sign shall not exceed eight (8) sq. ft. in area except when attached to a building wall, in which case such sign shall not exceed sixteen (16) sq. ft. in area.
3. Sign Height: Temporary signs shall not exceed a height of three (3) feet except where attached to a building wall, in which case such signs shall not exceed a height of eight (8) feet. In the case where the lot is comprised of more than ten (10) dwelling units or ten (10) tenant spaces, temporary signs shall not exceed a height of four (4) feet except where attached to a building wall, in which case such signs shall not exceed a height of eight (8) feet.
4. Setbacks: Temporary signs shall be set back a minimum distance of ten (10) feet from side and rear lot lines. Temporary signs greater than eight (8) sq. ft. in area shall be set back a minimum distance of ten (10) feet from a front lot line.
5. Duration: No lot shall exhibit a temporary sign for more than thirty (30) days during any consecutive three (3) calendar months in the case where such sign exceeds four (4) sq. ft. in area, irrespective of whether the location or message of such sign is modified during the three (3) calendar month period. All other temporary signs authorized by this Section may be erected and maintained year-round.
6. Multiple Tenants: In addition to the temporary signs authorized by this subsection (E), in the case of a lot that is occupied by two (2) or more dwelling units or two (2) or more tenant spaces, each dwelling or tenant may display a temporary sign not exceed a height of three (3) feet and an area of four (4) sq. ft. and shall be set back from all lot lines a minimum distance of ten (10) feet.

**F. Commercial and Industrial Districts**

1. Number and Spacing: No more than two (2) temporary signs shall be displayed on a lot at any time for the first one-hundred (100) feet of the lot's road frontage or portion thereof, and no more than one (1) additional temporary sign shall be erected for each additional full one-hundred (100) feet of additional lot frontage.
2. Sign Area: No temporary sign shall exceed four (4) sq. ft. in area except that one (1) temporary sign shall not exceed twelve (12) sq. ft. in area and one (1) temporary sign shall not exceed eighteen (18) sq. ft. in area.
3. Sign Height: Temporary signs shall not exceed a height of four (4) feet except that one (1) temporary sign shall not exceed a height of six (6) feet except that any temporary sign attached to a wall shall not exceed a height of (8) feet.
4. Setbacks: Temporary signs shall be set back a minimum distance of ten (10) feet from side and rear lot lines. Temporary signs greater than six (6) feet in height or twelve (12) sq. ft. in area shall be set back a minimum distance of ten (10) feet from a front lot line.
5. Duration: No lot shall exhibit a temporary sign for more than thirty (30) days during any consecutive three (3) calendar months in the case where such sign exceeds twelve (12) sq. ft. in area, irrespective of whether the location or message of such sign is modified during the three (3) calendar month period. All other temporary signs authorized by this Section may be erected and maintained year-round.
6. Multiple Tenants: In addition to the temporary signs authorized by this subsection (F), in the case of a lot that is occupied by two (2) or more dwelling units or two (2) or more tenant spaces, each dwelling unit or tenant may display a temporary sign for no more than thirty (30) days during any consecutive three (3) months, and such temporary sign shall not exceed a height of three (3) feet and an area of four (4) sq. ft. Such temporary signs shall be setback from all lot lines a minimum distance of five (5) feet.

**G. Exceptions for Temporary Activities:** In addition to the temporary signs authorized by subsections (E) and (F), additional temporary signs shall be permitted for temporary activities according to the following:

1. Temporary Real Estate Availability Signs:
   a. In the case of the sale or lease of a lot, building, building space, or residence, one (1) temporary sign shall be permitted for each three hundred (300) feet of road frontage or portion thereof. No sign shall exceed an area of six (6) sq. ft. and a height of four (4) feet except that in Commercial and Industrial Districts, and on lots of a minimum area of twenty (20) acres in other districts, no such sign shall exceed an area of twenty (20) sq. ft. and a height not exceeding six (6) feet.
   b. A platted subdivision, site condominium, multiple family development, manufactured housing community, or other unified residential or non-residential development consisting of at least five (5)

dwelling units or tenant spaces, is permitted one (1) sign advertising the sale or lease of lots, buildings or residences, not exceeding forty-eight (48) sq. ft. in area and six (6) feet in height. Such sign may be illuminated and the sign shall be removed after two (2) years after initial erection or after the sale of seventy-five percent (75%) of all lots, units, tenant spaces or buildings within said development, whichever occurs first.

2. Temporary Construction Signs: Temporary non-illuminated signs are permitted for the purpose of identifying the owners, financiers, contractors, architects and engineers of a project under construction and for which a Zoning Permit has been granted, provided no more than three (3) such signs are erected on the lot with each being no greater than six (6) sq. ft. in area and six (6) feet in height, or one (1) sign is erected with an area no greater than thirty-two (32) sq. ft. and six (6) feet in height. In the case of a sign in association with the construction of a single-family or two-family dwelling, the forgoing standards for sign area and height shall be reduced by fifty percent (50%) and only one (1) such sign is permitted.
    a. Construction signs shall be erected no earlier than thirty (30) days prior to the commencement of construction and shall be removed no later than fourteen (14) days after a certificate of occupancy or similar final approval is issued or two (2) years, whichever occurs first.
3. Roadside Stands: One (1) non-illuminated temporary sign may be erected within forty (40) feet of a roadside stand located on the same lot provided such sign shall be not exceed nine (9) sq. ft. in area and five (5) feet in height.
4. Public Vote Signs: Non-illuminated temporary signs not exceeding thirty-two (32) sq. ft. in area and five (5) feet in height may be displayed during the ninety (90) days preceding a public vote and the fifteen (15) days following the vote.
5. Other Signs: Other temporary signs including warning signs such as no trespassing, no hunting, and warning of electrical current or animals, provided that such signs shall not exceed two (2) sq. ft. in area and three (3) feet in height, and are spaced no closer than forty (40) feet to one another.

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**End of Article 20**

# Article 21
# OFF-STREET PARKING and LOADING

## Section 21.01 PURPOSE

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

## Section 21.02 GENERAL REQUIREMENTS

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

**B. Requirements for a Use Not Mentioned:** In the case of a use not specifically mentioned, the requirements of off-street parking for a use which is mentioned and which is most similar to the use not listed shall apply. The Planning Commission shall make this determination and a record of the rationale applied shall be documented in a file established for that purpose.

**C. Use of Parking Areas:** Off-street parking areas shall be reserved for the parking of vehicles used to service the establishment to which it is accessory and by its patrons. No commercial repair work, servicing or selling of any kind shall be conducted in an off-street parking area unless specifically permitted through the issuance of a temporary zoning permit.

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

**E. Location and Joint Use of Parking Areas:** All off-street parking areas shall be located on the same lot, or on the adjacent premises in the same district as the use they are intended to serve. The joint use of parking facilities by two or more uses may be granted by the Planning Commission whenever such use is practical and satisfactory to each of the uses intended to be served, and when all site development requirements of Section 21.04 are met.

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

**F. Queued Vehicles:** There must be a minimum of fifty (50) linear feet of on-site storage to accommodate queued vehicles waiting to park or exit the site without using any portion of a public street right-of-way or in any other way interfering with street traffic. The Planning Commission may increase this length to no more than one hundred fifty (150) feet where the Planning Commission feels the minimum required fifty (50) foot distance will not adequately address public safety issues due to anticipated traffic patterns and/or types of vehicles.

**G. Decrease in Parking Areas:** No off-street parking area which exists at the time this Ordinance becomes effective, or which subsequent thereto is provided for the purpose of complying with this Ordinance, shall thereafter be relinquished or reduced in any manner below the requirements established by this Ordinance unless additional parking area or space is provided sufficient to meet the requirements of this Article and Section 4.08.

**H. Permitted Vehicles in Residential Areas:**

1. Except as provided below in (H)(1)(a), no more than a total of one (1) commercial vehicle may be stored outdoors or indoors on a lot in a Residential District, or on a lot in a platted or condominium subdivision in an Agricultural District, where the principal use of such lot is not commercial, and such commercial vehicle shall not have a length in excess of twenty-five (25) feet, a height in excess of seven (7) feet, and a weight in excess of five thousand (5,000) pounds. Under no conditions are tow-trucks, semi-tractors or trailers, sand and gravel hauling trucks, bulldozers, graders and similar earth moving equipment permitted to be stored in a Residential District unless upon a lot or parcel currently under construction and such construction requires the use of such vehicles. This provision shall not prohibit the parking or storing of agricultural vehicles and machinery on a lot or parcel devoted to agriculture for which the vehicles and/or machinery is used, nor shall this provision prohibit the storing of buses for school or church use on lots or parcels upon which the school or church is located.
    a. The storage of not more than one (1) commercial vehicle on a lot in a Residential District, or on a lot in a platted or condominium subdivision in an Agricultural District, in addition to the commercial vehicle storage permitted in (H)(1) above, may be permitted by application to the Zoning Board of Appeals and a determination by the Zoning Board of Appeals that the proposed use and operational patterns of such vehicle will not undermine the public health, safety and welfare of the surrounding land uses and property owners and the general public. The Zoning Board of Appeals may apply conditions to an approval of such application pursuant to Section 25.14.
2. The outdoor storing of a single bus on the lot or parcel of the driver of such bus may be continued after the effective date of this Ordinance provided the storing of such bus is not moved closer to a lot line than where such storage predominantly occurred during the current school year. Outdoor storing of a single bus on the lot or parcel of the driver of such bus, not existing prior to the effective date of this Ordinance, is permitted in the AR District only, provided the following conditions are met:
    a. the driver is employed to drive the bus a minimum of four (4) days per week.
    b. the bus is not stored on the lot or parcel of the driver during seasonal closings of the school where such closings exceed ten (10) consecutive days.
    c. the bus is stored a minimum of fifty (50) feet from all lot lines.

**I. Barrier-Free Parking Spaces:** Barrier-free parking spaces, measuring a minimum of twelve (12) feet in width, and associated signage and ramps, shall be provided in accordance with the most current standards and rules of the Michigan Department of Labor, Construction Code Commission, Barrier Free Design Division. Such spaces shall be placed in the most convenient locations to facilitate access into a building and shall be adjacent to a smooth sloping aisle surface of a minimum five (5) feet in width and not exceeding a slope of 1:20 (one foot vertical rise for each 20 feet of horizontal distance) to facilitate access from the vehicle to a building. Such spaces shall be clearly identified by both adequate paint striping and wall or post signs.

## Section 21.03 PARKING SPACE REQUIREMENTS

**A. Number of Parking Spaces and Reserved Parking Areas:** The number of required off-street parking spaces to be provided in all districts, by land use type, shall be as delineated in (B) through (E) below, and such parking spaces shall be located on the lot or parcel upon which the land use is located unless joint use of parking areas is permitted according to Section 21.02(E). In recognition that certain commercial uses generate heightened demands for parking spaces due to seasonal or holiday shopping patterns, and that their parking areas may be often underutilized during non-seasonal or holiday periods, the Planning Commission may, upon request by the applicant, waive up to twenty-five percent (25%) of the required number of parking spaces as a reserved parking area for possible future use. However, the Planning Commission may subsequently require the applicant to construct such parking spaces upon its determination that the reduced number of parking spaces is not adequate to meet the parking needs of the use and public safety and welfare is at risk. Upon such a determination, the applicant shall convert the reserve parking area into available parking spaces, meeting all requirements of this Article, within 6 months of such determination. The approved site plan shall clearly identify the location of this reserve parking area including parking spaces and aisles, and no buildings, structures, or similar improvements shall be established in the reserve parking area. This subsection shall apply only to commercial uses that are required to provide more than twenty (20) parking spaces.

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

1. **One and Two Family Dwellings:** Two (2) spaces for each single family dwelling unit.
2. **Multiple Dwellings:** Two (2) spaces for each multiple family dwelling unit plus one space per five (5) units for guest parking.
3. **Mobile Home Park:** Two (2) spaces for each mobile home site plus one (1) space per three (3) units for guest parking.
4. **Group Homes (adult foster care):** One (1) space for every three (3) residents of the home.

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

1. **Athletic Clubs, Physical Exercise Establishments, Health Studios, Sauna baths, Judo Clubs:** One (1) parking space per three (3) patrons based on the occupancy load established by the State Fire Marshall.
2. **Automobile or Machinery Sales and Service Garages:** One (1) space for each 200 square feet of showroom floor area plus two (2) spaces for each service bay, provided at least ten (10) spaces are provided. Spaces used for storage of vehicles for sale shall not be used to meet parking requirements.
3. **Banks and Financial Institutions:** One (1) parking space for every 250 square feet of usable floor area plus sufficient area for eight (8) stacking spaces for the first drive-through window and two (2) spaces for each additional window.
4. **Barber Shops and Beauty Parlors:** Three (3) spaces for each beauty and/or barber chair.
5. **Bowling Alleys:** Four (4) spaces for each alley.
6. **Car Wash, Automatic:** For those systems which do not operate as a continuous conveyor system accommodating multiple vehicles at a single time, reserve parking or storage for eighty (80) percent of the manufacture's hourly rated capacity for the system in use shall be required.
7. **Car Wash, Self-Service:** Reserve parking required to accommodate up to five (5) times the maximum number of vehicles able to be undergoing some phase of washing at the same time, determined by dividing the awaiting wash line(s) by twenty (20) feet.
8. **Clinics:** Two (2) spaces for each examination or treatment room.
9. **Clothing, Furniture, Appliance, Hardware, Automobile, Machinery Sales, Shoe Repair, Personal Services (other than beauty and barber shops):** One (1) space per four hundred (400) feet of gross floor area.
10. **Commercial and Institutional Recreational Facilities:** One (1) space per two (2) patrons based on the maximum capacity of the facility as determined by the State Fire Marshall.
11. **Convalescent Homes, Convents or Similar Uses:** One (1) space for each three (3) beds.
12. **Gasoline Filling and Service Stations:** Two (2) spaces for each repair and service stall (a service stall is not considered a parking space).
13. **Dance Halls, Roller Skating Rinks, Pool and Billiard Rooms:** One (1) space for every three (3) persons allowed based on the maximum capacity of the facility as determined by the State Fire Marshall.
14. **Day Care Centers, Child Care Center, Nursery School, School of Special Education:** One (1) parking space for each 350 square feet of usable floor space or one (1) space for each seven children, whichever is greater.
15. **Funeral Homes and Mortuaries:** One (1) space for every fifty (50) square feet of floor area of chapels and assembly rooms.
16. **Kennels:** One (1) space for each five (5) animals of the facility's capacity.
17. **Laundromat:** One (1) space for every three (3) washing or drying machines.
18. **Miniature or Par 3 Golf Courses:** Three (3) spaces for each hole.
19. **Motels, Hotels, Auto Courts, Tourist Homes:** One (1) space for each sleeping unit, plus spaces for bars, restaurants, banquet rooms, and other associated facilities as determined by the Planning Commission.
20. **Offices, Business and Professional:** One (1) space for every two hundred (200) square feet of gross floor area.
21. **Private Recreational Facilities:** One (1) space for every six (6) potential members based on the capacity of the facility as determined by the State Fire Marshall.
22. **Retail Stores, (except as otherwise specified herein):** One (1) space for every three hundred (300) square feet of gross floor area.
23. **Restaurant, Standard:** One (1) space for every four (4) seats, plus an additional one (1) space for each 75 square feet of usable floor area.

24. **Restaurant, Drive-Through:** One (1) space for every four (4) seats, plus sufficient area for eight (8) stacking spaces for drive-in windows.
25. **Restaurant, Drive Through (no indoor eating facilities):** One (1) space for every 15 square feet of usable floor area except that a minimum of ten (10) spaces is provided.
26. **Restaurant, Carry-Out (no indoor eating facilities):** One (1) space for every fifteen (15) square feet of usable floor area, provided a minimum of five (5) spaces are provided.
27. **Shooting Ranges:** One (1) space for each unit station.
28. **Stables (commercial):** One (1) space for each five (5) animals of the facility's capacity.
29. **Supermarket, Self-Service Food Store:** One (1) space for every one-hundred (100) square feet of gross floor area, excluding walk-in refrigeration units.

**D. Industrial Uses:**

1. **Excavation Operations:** One (1) space for every employee on the largest shift.
2. **Industrial or Manufacturing Establishments:** One (1) space for every employee of industry's largest working shift.
3. **Warehouses, Wholesale Stores:** One (1) space for every eight-hundred (800) square feet of floor area.

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

1. **Church, Synagogue, Chapel, Temple:** One (1) space for each three (3) seats or five (5) linear feet of pew or bench seating in the main unit of worship.
2. **Auditorium, Theater, Assembly Hall:** One (1) space for each three (3) seats or five (5) linear feet of bench seating, or one (1) space for each three (3) persons based on the occupancy load as established by the State Fire Marshall.
3. **Private Civic, Fraternal Club or Lodge:** One (1) space for each three (3) members, based upon the load capacity as determined by the State Fire Marshall.
4. **Elementary and Middle Schools:** See requirements for auditoriums.
5. **Public Golf Course:** Four (4) spaces for each golf hole.
6. **High Schools:** One (1) space for each five (5) students (based on the capacity of the facility as determined by the Fire Marshall), plus one (1) space for every four (4) seats where the school contains an auditorium and/or stadium or gym.
7. **Hospital, Sanitarium, Nursing Facility, Home for the Aged:** One (1) space for each two (2) beds.
8. **Libraries, Museums, Post Offices:** One (1) space for every five hundred (500) square feet of floor area.

## Section 21.04 SITE DEVELOPMENT REQUIREMENTS

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

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

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

**C. Surface:** Except in Agricultural Districts and Residential Districts which do not permit multiple family dwellings, all off-street parking areas must be paved with concrete, bituminous asphalt or similar material, approved by the site plan approval body, and shall provide adequate surface drainage facilities to collect and properly dispose of storm water runoff.

**D. Setback:** Unless otherwise permitted within this Ordinance, no off-street parking area shall be located within a required front, side, or rear yard setback, except for a driveway which may cross such setback area in a generally perpendicular manner.

**E. Lighting:** All parking lot lighting shall comply with the applicable provisions of Article 24.

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

| Parking Pattern | Maneuvering Lane Width | Parking Space Width | Parking Space Length |
|---|---|---|---|
| 0° (Parallel) | 12 ft. | 8 ft. | 23 ft. |
| 30°- to 53° | 12 ft. | 8 ft. 6 in. | 20 ft. |
| 54°- to 74° | 17 ft. | 8 ft. 6 in. | 20 ft. |
| 75°- to 90° | 24 ft. | 9 ft. | 18 ft. |

1. All maneuvering lane widths shall permit one-way traffic movement only, except for ninety (90) degree and parallel parking patterns which may provide for two-way traffic movement.
2. Where a parking space is curbed, the vehicle overhang off the curb may be credited as two (2) feet if abutting landscaping or abutting a sidewalk at least seven (7) feet wide.

**G. Shared Drives:**

1. Parking Aisle Extension: All uses established in a Commercial District shall include a parking circulation network that will permit access, by way of a parking aisle extension, from the development parcel to each abutting parcel sharing frontage on the same road, to accommodate vehicular movement between commercial uses and minimize along such frontage the number of curb cuts, vehicular turning patterns, safety hazards, and congestion.
   a. Where a commercial use is proposed to be established adjacent to a parcel not currently being used for commercial purposes, the proposed site plan shall clearly identify the proposed location of this parking aisle extension intended to provide access to the abutting parcel should it be subsequently developed for commercial purposes. No buildings, structures, or similar improvements shall be established in this reserved parking aisle extension. Such reserved parking aisle extension shall be constructed within three (3) months of the adjacent parcel receiving a building permit for the commercial development of the adjacent parcel sharing frontage on the same road. (see Figure 21-1)
   b. Where a commercial use is proposed to be established adjacent to a parcel currently being used for commercial purposes, the proposed commercial use shall provide for a parking aisle extension to abut the parking aisle extension of the existing commercial use at the shared property line prior to the issuance of the certificate of occupancy and such aisle shall be clearly identified on the approved site plan.
2. Service Drives: Where the site plan approving body determines that the number of driveways proposed to access a road from one or more development parcels may significantly undermine the public safety due to turning pattern hazards, congestion, or other traffic hazards, the approving body may require the establishment of a service drive to collect parking lot traffic and funnel such traffic to fewer access points along the abutting road. Design standards for such drives shall be determined based upon existing and anticipated traffic patterns and levels, and published standards of the Institute of Traffic Engineers. (see Figure 21-2)

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## Section 21.05 LOADING and UNLOADING SPACE REQUIREMENTS

**A. Additional Parking Space:** Loading space required under this Section shall be provided as area additional to off-street parking space as required under Section 21.03 and shall not be considered as supplying off-street parking space.

**B. Space Requirements:** There shall be provided an adequate space for standing, loading, and unloading service adjacent to the building opening for loading and unloading of not less than twelve (12) feet in width, seventy-five (75) feet in length, and fifteen (15) feet in height, open or enclosed, and shall be provided according to the following:

| Institutional, Commercial, and Office Uses | Spaces Required |
|---|---|
| Up to 5,000 square feet of gross floor area: | 1 space. |
| 5,001 to 60,000 square feet of gross floor area: | 1 space, plus 1 space per each 20,000 sq. ft. |
| 60,001 square feet of gross floor area and over: | 4 spaces, plus 1 space per each additional 20,000 square feet. |

| Industrial Uses | Spaces Required |
|---|---|
| Up to 1,400 square feet of gross floor area: | 0 spaces. |
| 1,401 to 20,000 square feet of gross floor area: | 1 space. |
| 20,001 to 100,000 square feet of gross floor area: | 1 space, plus 1 space per each 20,000 sq. ft. of gross floor area in excess of 20,000 sq. ft. |

**C. Access:** Access to a truck standing, loading, and unloading space shall be provided directly from a public street or alley and such space shall be so arranged to provide sufficient off-street maneuvering space as well as adequate ingress and egress to and from a street or alley.

**D. Screening:** All loading and unloading areas which abut another District or residential property, or face or are visible from residential properties or public thoroughfares, shall be adequately screened.

**E. Location:** A loading-unloading area shall not be located within any front yard nor within any required side or rear yard setback.

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**Figure 21-1**
## Parking Aisle Extension

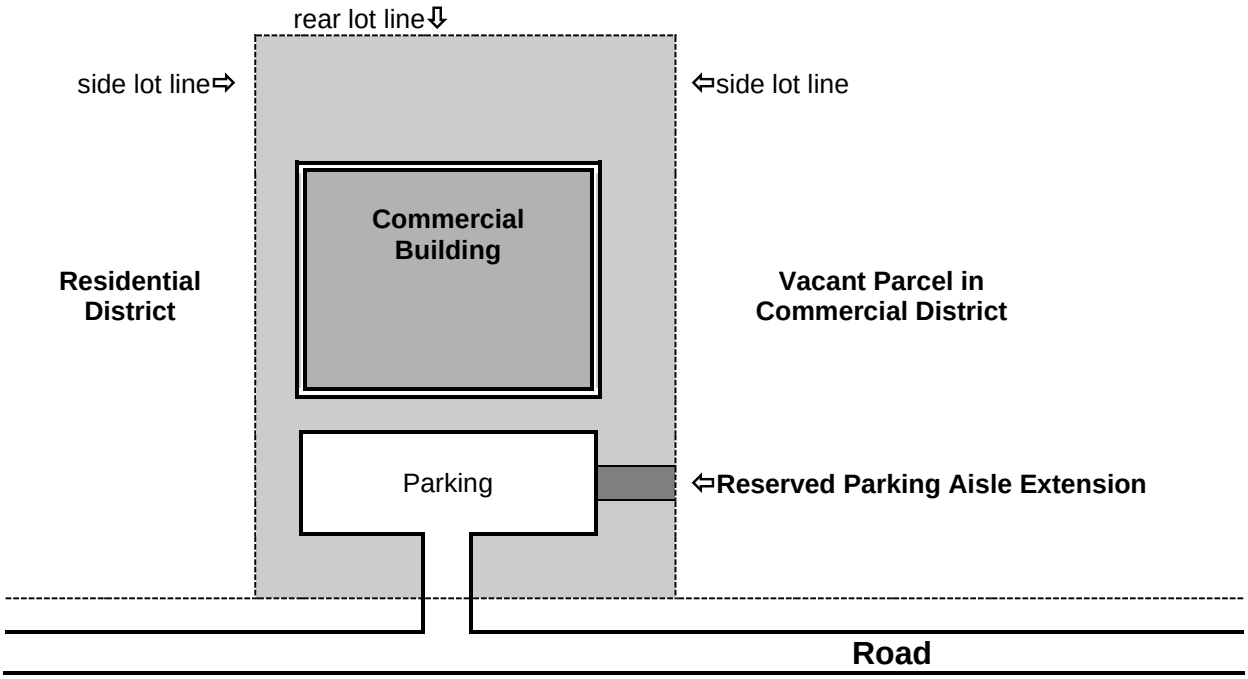
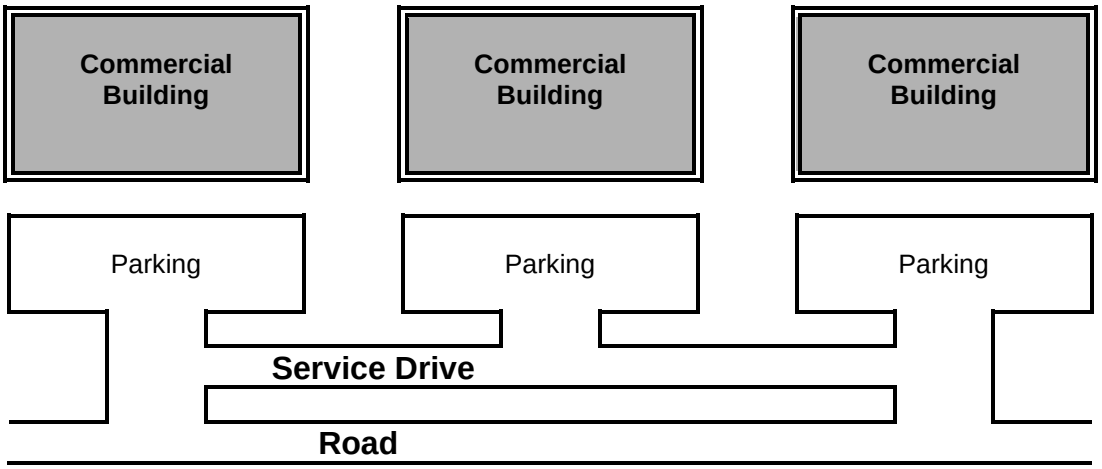



**Figure 21-2**
## Service Drives



**End of Article 21**

# Article 22
# ACCESS CONTROLS and PRIVATE ROADS

## Section 22.01 PURPOSE

The purpose of this Article is to provide standards which will facilitate safe and efficient traffic movement and vehicular access in the Township. The standards contained herein are intended to protect the public health, safety, and welfare, including minimizing congestion and the potential for crash or collision or other vehicular or pedestrian accidents, and better assuring accessibility to property under emergency conditions. The regulations and standards of this Article apply to all properties in the Township.

## Section 22.02 CURB CUTS and DRIVEWAYS

**A.** All plans for structures to be erected, altered, moved or reconstructed, and use of premises within the Township shall contain a plan for the proposed driveway access to the premises which shall be part of the plot plan or site plan pursuant to Section 4.03. Said plan shall be approved prior to the issuance of a zoning permit. No such plan shall be approved unless such driveway access is onto a dedicated public street or an approved private road or approved private drive. Driveways and curb cuts shall be designed and constructed in accordance with all Lapeer County Road Commission standards and specifications then in effect.

## Section 22.03 LOTS TO HAVE ACCESS

All parcels or lots hereinafter created in the Township shall have frontage on a public street, or an approved private road or approved private drive, and take their access from such frontage so as to provide safe, convenient access for fire protection, other emergency vehicles, and any required off-street parking.

## Section 22.04 General Provisions for Private Roads and Drives.

**A.** For purposes of this article, the term “private roads” is defined as a privately owned road or accessway which provides access to any building site which is not located on a parcel of land having frontage on a public road.

**B.** No private road shall be constructed within the Township unless it is in compliance with the requirements of this article.

**C.** No zoning compliance permit, building permit, or certificate of occupancy for any structure shall be issued within the Township unless the parcel of land fronts on a public road or on a private road improved to the standards of this article or unless the parcel has access by a private drive easement as specified below. Each parcel on a public or private road shall have road frontage equal to the minimum lot width required by the Township zoning ordinance.

**D.** Private roads shall not be dedicated to the Township.

**E.** Private roads shall not be maintained by the Township except pursuant to a duly established special assessment district.

**F.** A private drive easement may be utilized in lieu of a road frontage, provided the following conditions are met:

(i) The private drive connects directly onto a public road.
(ii) The private drive is located on a legally valid and recorded easement or other interest in land which is attached to the residential lot or parcel.
(iii) The width of the easement or other legal interest in land on which the private drive is located is at least thirty-three (33) feet in width.
(iv) The private drive does not serve more than two (2) parcels of land.
(v) A private Drive Maintenance Agreement and Drainage Maintenance Agreement acceptable to the Township is filed along with the land division application and subsequently recorded with the Register of Deeds.

## Section 22.05 Design and Construction Standards for Private Roads.

**A.** All private roads shall be designed and constructed in accordance with all Lapeer County Road Commission standards and specifications then in effect.

**B.** A Drainage Plan, with any necessary easements, shall be engineered and developed in conformity with the Design Standards contained in the Subdivision Control Procedures adopted by the Lapeer County Drain Commissioner. The drainage plan shall be designed to provide for drainage of all properties served by the private road.

**C.** A document describing the private road easement, any drainage easements, and the provisions for road and drainage maintenance shall be recorded with the Register of Deeds and also provided to the purchaser. The maintenance provision shall apportion the maintenance responsibilities among the benefitting property owners and shall run with the land. The proposed maintenance agreement shall be reviewed and approved by the Township Attorney prior to recording.

## Section 22.06 Requirements for Planning Commission Approval.

**A.** Plans for a private road shall be submitted to the Township Planning Commission for review. Materials submitted shall include:

(i) A legal description and survey of all properties to be served by the private road, together with verification that all proposed parcels are in compliance with this ordinance and Land Division Act requirements.

(ii) A legal description and survey of the proposed private road easement and any drainage easements.

(iii) Drawings showing all existing and proposed structures, roads, drives, drains and other significant physical features on the property.

(iv) Engineering plans for the proposed private road which conform the Lapeer County Road Commission standards and specifications then in effect.

(v) A proposed road maintenance agreement in a form and substance agreeable to the Township.

(vi) A proposed drainage maintenance agreement in a form a substance agreeable to the Township.

**B.** No private road construction shall begin until the Planning Commission has approved the proposed road by a recorded vote.

## Section 22.07 Inspections, Fees and Permits for Private Roads.

**A.** The Township shall not grant final approval for the use of any private road until the completed road has been inspected for compliance with this article.

**B.** The Township may contract with a public agency or a civil engineer to inspect private road improvements. The inspecting civil engineer shall not be the same engineer that prepared the private road plans.

C. The Township Board shall establish fees to cover all the costs of review and inspections. The fee shall include an administrative fee plus reimbursement of all costs for engineering reviews, legal reviews, and inspections.

D. A permit shall be obtained in compliance with the Michigan Soil Erosion and Sedimentation Act prior to the commencement of road construction.

E. If construction is to occur within five hundred (500) feet of a lake or stream, a permit shall be acquired from the Michigan Department of Environmental Quality.

F. Permits shall be obtained from the County Road Commission before entrances are constructed on to any county or state rights-of-way.

**Section 22.08 Completion Date and Performance Bond.**

**A.** A private road shall be fully constructed to all specifications within one (1) year of the date that Planning Commission approval is granted.

**B.** The applicant shall file a financial guarantee with the Township Clerk in the form of a cash deposit, certified check, certificate of deposit, irrevocable bank letter of credit, or surety bond acceptable to the Township sufficient to cover the total cost of the required road improvements. When the work is completed by the applicant and approved by the Township, the financial guarantee will be returned to the applicant.

**Section22.09 Appeals.**

**A.** The Township Zoning Board of Appeals shall have jurisdiction to consider appeals for variances from this article.

B. A variance may only be granted by the Zoning Board of Appeals if the applicant can show a unique hardship related to the specific property if the strict requirements of this article are applied.

**End of Article 22**

# Article 23
# LANDSCAPING and SCREENING

## Section 23.01 PURPOSE

The purpose of this Article is to minimize noise, air, and visual pollution; improve the appearance of off-street parking and other vehicular use areas; assure adequate buffering between incompatible land uses; regulate the appearance of property abutting public rights-of-way; prevent soil erosion and soil depletion; and protect and preserve the appearance, character, and value of the community and its residential neighborhood areas.

## Section 23.02 APPLICATION

The requirements of this Article shall apply to only those uses for which site plan approval is required under Article 4, Procedures for Site Plan & Plot Plan Review, and any other use so specified in this Ordinance. No site plan shall be approved unless said site plan shall show landscaping, buffer areas, and screening consistent with the requirements set forth in this Article.

## Section 23.03 LANDSCAPE PLAN REQUIRED

A separate detailed landscape plan is required to be submitted as part of a site plan (see Article 4). The landscape plan shall be prepared at a minimum scale of 1" = 100' and shall identify all buffer areas (see Section 23.04) and parking lot landscaping (see Section 23.05). The landscape plan shall include, but not necessarily be limited to, the following items:

1. Proposed plant location, spacing, and size and descriptions for each plant type proposed for use to meet the requirements of this Article.
2. Identification of grass and other proposed ground cover and method of planting.
3. Existing and proposed contours on-site and 150 feet beyond the site at intervals not to exceed two (2) feet.
4. Significant construction details to resolve specific site conditions, such as tree wells to preserve existing trees or culverts to maintain natural drainage patterns.
5. Planting and staking details in either text or drawing form to ensure proper installation and establishment of proposed plant materials.
6. Identification of existing trees and vegetative cover to be preserved and those trees six (6) inches or larger in diameter, measured five (5) feet from ground surface, to be removed.

## Section 23.04 BUFFER AREAS

**A. Side and Rear Yard Buffer Areas:** All commercial and industrial land uses for which a site plan is required shall be screened by a buffer area along all adjoining side and rear yard boundaries with residentially zoned property or with other commercial or industrially zoned property located in a different district. The buffer area shall not be used for storage purposes or used in any other manner except for the purposes of a buffer.

1. The buffer area shall be a minimum of twenty (20) feet wide and include a berm or solid wall or fence or a combination thereof, and be of at least (5) feet in height. The buffer area shall be planted and maintained with evergreens such as spruce, pines, or firs, and deciduous trees, at a rate of at least one (1) evergreen tree per fifty (50) feet and one (1) deciduous tree per one hundred fifty (150) feet. Where there is a need to provide a greater noise or dust barrier or to screen more intense development not adequately screened by a fence, a solid wall shall be required by the Planning Commission. Heights of walls shall be measured on the side of the proposed wall having the higher grade. At the time of their planting, evergreen trees shall be a minimum of five (5) feet in height and deciduous trees shall have a caliper of at least two and a half (2 1/2) inches, measured five (5) feet above the ground surface, and be a minimum of twelve (12) feet in height.

**B. Front Yard Buffer Areas:** A buffer area with a minimum width equal to the front yard setback of its zoning classification shall be located abutting the right-of-way of a public road, and shall be landscaped with a minimum of one (1) tree meeting the minimum size requirements specified in Section 23.04(A) above for each thirty (30) lineal feet, or major portion thereof, of frontage abutting said right-of-way. The remainder of the front yard buffer area shall be landscaped in grass, ground cover, shrubs, and/or other natural, living, landscape material. Access ways from public rights-of-way through required buffer areas shall be permitted, but such access ways shall not be subtracted from the lineal dimension used to determine the minimum number of required trees.

## Section 23.05 PARKING LOT LANDSCAPING and SCREENING:

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

1. Parking lots designed to accommodate sixteen (16) or more vehicles shall be provided a minimum of one (1) deciduous tree of at least two and a half (2 1/2) inch caliper for every eight (8) parking spaces. Such trees shall be located within parking islands or within ten (10) feet of the edge of the parking lot. A minimum distance of three (3) feet shall be established between proposed tree or shrub plantings and the edge of curbing and pavement.
2. Where a parking lot contains more than four (4) parking spaces and is within one hundred fifty (150) feet of a Residential district, a vegetative screen or fence of at least four feet in height shall be installed to fully screen views to the parking area from the neighboring Residential district. This provision shall not apply to roadside stands or uses granted a temporary zoning permit. Plant materials shall be a height of at least three (3) feet at the time of their planting.

## Section 23.06 MINIMUM STANDARDS of LANDSCAPE ELEMENTS

**A. Quality:** Plant material and grasses shall be of generally acceptable varieties and species, free of insects and diseases, hardy to the climate, conform to the current minimum standard of the American Association of Nurserymen, and shall have proof of any required governmental regulations and/or inspections. Plant species which are generally considered undesirable due to limited disease tolerance, low wood strength, and/or high tendencies toward splitting of wood, such as boxelder, mulberry, and willows, are not permitted unless specifically authorized otherwise by the Planning Commission.

**B. Composition:** A mixture of plant material, such as evergreen, deciduous trees and shrubs, is recommended as a protective measure against insect and disease infestation. A limited mixture of native hardy species is recommended rather than a large quantity of different species, to produce a more aesthetic, cohesive design and avoid a disorderly appearing arrangement.

**C. Existing Trees:**

1. If existing plant material is labeled "To Remain" on site plans by the applicant or required by the Planning Commission, protective techniques, such as, but not limited to, fencing or barriers placed at the dripline around the perimeter of the plant material, shall be installed during construction. No vehicle or other construction equipment shall be parked or stored within the dripline of any plant material intended to be saved. Other protective techniques may be used provided such techniques are approved by the Planning Commission.
2. In the event that existing healthy trees which are used to meet the minimum requirements of this Ordinance, or those labeled to remain are cut down, destroyed, damaged, or excavated at the dripline, as determined by the Planning Commission, the applicant shall replace them with trees which meet Ordinance requirements.

## Section 23.07 INSTALLATION, MAINTENANCE and COMPLETION

**A.** All landscaping required by this Ordinance shall be planted prior to obtaining a Certificate of Occupancy or, where the applicant can demonstrate to the Planning Commission that seasonal conditions prohibit the installation of the plant material prior to desired occupancy, the plant material will be installed within six months of receipt of such Certificate.

**B.** All landscaping and landscape elements shall be planted, and earth moving or grading performed, in a sound workmanlike manner and according to accepted good planting and grading procedures.

**C.** The owner of property required to be landscaped by this Ordinance shall maintain such required landscaping in a reasonably healthy condition, free from refuse and debris. All unhealthy and dead material shall be replaced within one (1) year of damage or death or the next appropriate planting period, whichever comes first.

## Section 23.08 FENCING and WALLS CONSTRUCTION

**A. Fencing:** Required fencing shall consist of solid board fences with wood posts not less than three and one half inches (3 1/2" x 3 1/2") and solid board cover not less than three quarters (3/4) inch thick. Masonry piers may be substituted for wood posts. Posts or piers shall be spaced not more than eight (8) feet on center. The finished side of fencing shall face abutting properties. Fencing consisting of tree trunks and/or limbs anchored into the ground is not permitted.

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

## Section 23.09 WAIVERS and MODIFICATIONS

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

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

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**End of Article 23**

# Article 24
# ENVIRONMENTAL PROTECTION

## Section 24.01 PURPOSE

The purpose of this Article is to promote a healthy environment in Marathon Township as it relates to the Township's natural resources, sensitive ecosystems, the integrity of the Township's land, water, and air, and the quality of the Township's visual environment, including the management of outdoor lighting and its impact upon traffic safety, adjacent land uses and the night sky. All provisions of this Article apply to all structures and uses unless otherwise noted.

## Section 24.02 NATURAL RESOURCES

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

1. Published surface water drainage standards of the Lapeer County Road Commission.
2. Applicable fire safety and emergency vehicle access requirements of the Township Building Code and State Fire Marshall.
3. Soil erosion and sedimentation requirements of the Lapeer County Drain Commissioner and the Natural Resources Conservation Service.
4. Requirements of the Michigan Department of Health and Human Services and the Lapeer County Health Department.
5. Michigan Department of Environmental Quality requirements for air and water quality protection, wetlands, stream crossings, fills in or near water bodies or in flood plains, and for waste disposal, and those standards and requirements of the Natural Resources Conservation Service.
6. All local, county, state and federal regulations related to loading/unloading, transport, storage, use and/or disposal of hazardous substances.
7. Applicable rules and regulations of the Federal Communications Commission.

**B. Discharges**

1. No dust, fumes, or noxious, odorous matter shall be discernible at or beyond the property line except in the case of agricultural operations complying with the Michigan Department of Agriculture's Generally Accepted Agricultural Management Practices. Any atmospheric discharge requiring a permit from the Michigan Department of Environmental Quality or federal government shall have said permit(s) as a condition of approval for any use in this district. The escape of or emission of any gas which is injurious or destructive or explosive is prohibited.
2 It shall be unlawful to discharge at any point any materials in such a way or of such nature or temperature as can contaminate any surface waters, land or aquifers, or otherwise cause the emission of dangerous or objectionable elements, except in accord with standards approved by the Michigan Department of Environmental Quality.
3. Radioactive emissions shall not exceed quantities or levels established as safe by state or federal regulations.
4. Hazardous wastes associated with veterinarian clinics, medical clinics, nursing homes, and other uses that may generate animal waste and/or biomedical wastes shall comply with all state and federal laws regarding the storage and disposal of such materials.

**C. Sensitive Lands:**

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

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

1. Removal of Topsoil: Stripping and removal of topsoil from a site is prohibited prior to the completion of all approved site improvements and the seeding, sodding, and landscaping of all disturbed areas. "Disturbed areas" shall be interpreted to mean any area of a lot which is altered by grading or other construction activities and which area is not proposed to be paved or otherwise built upon.
2. Flow Restrictions: The final grade surface of ground areas surrounding a building or structure shall be designed and landscaped such that surface waters flow away from the building or structure and is managed in a manner which avoids increased flow onto adjacent properties or public roads, the erosion or filling of a roadside ditch, the blockage of a public watercourse, or the creation of standing water over a private sewage disposal drainage field.
3. Drainage: All lots shall retain storm water runoff on-site, or detain it so as to allow discharge without any impact on adjacent lands, streams or water bodies above the existing pre-development runoff impact. No land uses shall be permitted which will increase the rate of runoff discharge from a lot or parcel or otherwise cause erosion or direct sedimentation upon abutting properties including an abutting street. No land uses shall be permitted which will reduce the level of service currently being provided by existing storm water management infrastructure or existing drainage patterns unless necessary improvements to such infrastructure or natural drainage pattern are first made.

## Section 24.03 POTABLE WATER and SEWAGE DISPOSAL

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

## Section 24.04 LIGHTING

**A.** No lighting shall in any way impair the safe movement of traffic on any street or highway.

**B.** Screening at least six (6) feet in height shall be erected to prevent headlight glare from commercial or industrial land uses from shining onto adjacent residential property. No screening shall in any way impair safe vertical or horizontal sight distance for any moving vehicles, or be closer than thirty (30) feet to any street right of way line.

**C.** In addition to 24.04(A) and (B) above, outdoor lighting shall comply with the following standards except as provided for in Section 24.04(D) below:

1. Lighting shall be designed and constructed to insure that direct and reflected light, unless part of a street lighting or access road lighting program, is confined to the lot or parcel upon which the light source is located.
2. Exterior lighting shall be so installed that the surface of the source of light shall be hooded or louvered to the greatest extent practical so that:
   a. the light source shall not be visible and shall be so arranged to reflect light away from abutting properties.
   b. in no case shall more than one foot candle power of light cross a lot line five (5) feet above the ground in a residential district.
   c. light rays shall not be emitted by the luminaire in any direction except in a downward direction.
3. No light source shall exceed the height of the tallest structure on the lot or parcel, and in no case shall a light source exceed a height of twenty-five feet, measured from the ground or pavement closest to the light source.

**D.** Outdoor lighting which need not comply with the standards of Section 24.04(C) above shall be limited to:

1. Lawn, dock, and architectural and decorative lighting provided the light source is less than six (6) feet in height from the closest ground, pavement, or water body.
2. Seasonal lighting associated with religious holidays, such as Christmas.
3. Outdoor recreation and amusement areas provided the luminaries are mounted at a sufficient height, designed with baffling and glare guards to assure that no more than one foot candle power of light shall

cross a lot line five (5) feet above the ground in a residential district, and are turned off during hours the facility is closed to the public.

4. Neon lighting.

## Section 24.05 VIBRATION

Operating any devices that creates vibration which is above the vibration perception threshold of an individual at or beyond the property of the source shall be prohibited. For the purposes of this Section, vibration perception threshold means the minimum ground or structure-borne vibrational motion necessary to cause a normal person to be aware of the vibration by such direct means as, but not limited to, sensation by touch or observation or moving objects.

## Section 24.06 GLARE and HEAT

Any operation which produces intense glare or heat shall be conducted within an enclosure so as to completely obscure and shield such operation from direct view from any point along the lot lines. If heat is a result of an operation, it shall be so insulated as to not raise the temperature at any property line at any time.

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**End of Article 24**

# Article 25
# GENERAL PROVISIONS

## Section 25.01 PURPOSE

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

## Section 25.02 KEEPING of ANIMALS

**A. Vicious Animals:** No vicious animal shall be kept permanently or temporarily in any district in the Township.

**B. Private Stables and Livestock:** The raising and keeping of livestock or other animals generally not regarded as household pets, and which do not meet this Ordinance's definition for "vicious animal," may be conducted as accessory to the principal residential use on a lot of two (2) acres or larger in an Agricultural District except in platted subdivisions or condominium subdivisions. All such raising and keeping or killing and dressing of poultry and animals processed upon the premises shall be in accordance with the Generally Accepted Agricultural Management Practices of the Michigan Agriculture Commission. No storage of manure shall be permitted within fifty (50) feet of any adjoining lot line.

**C. Household pets:** The keeping of household pets, including dogs cats, and other animals generally regarded as household pets is permitted as an accessory use in any residential zoning district provided such activities do not constitute a kennel.

D. Nothing in the ordinance shall be construed as regulating or prohibiting a use, operation, activity, building, or structure in such a manner to be contrary to the Right to Farm Act or GAAMPs adopted pursuant to the Act.

## Section 25.03 ESSENTIAL SERVICES

Essential services shall be permitted as authorized and regulated by law and other ordinances of the Township, it being the intention hereof to exempt such essential services from the application of this Ordinance, except that essential services do not include administrative buildings, communication towers, public utility storage yards, and similar above-ground structures and uses.

## Section 25.04 SWIMMING POOLS

**A. Application:** The application for a zoning permit to erect a swimming pool shall include the name of the owner, a plot plan and location of adjacent buildings, fencing, gates, and other detailed information affecting construction and safety measures deemed necessary by the Zoning Administrator.

**B. Fencing:** Yard areas with pools are to be fenced to discourage unsupervised access. Such fencing shall meet the requirements of the State of Michigan and shall be equipped with a self-closing and self-latching gate. Latching devices are to be located at a minimum height of four (4) feet above the ground. Such fencing may be omitted where building walls abut the pool area, provided that the entire remaining perimeter of the pool area is fenced.

**C. Sanitation:** Sanitation standards as now or any time adopted by the Michigan Department of Environmental Quality or the County Health Department to protect the public health shall be complied with.

**D. Placement:** A swimming pool shall be setback a minimum twenty (20) feet from all property lines, as measured from the closest part of the pool, including raised decks and walkways. No swimming pool shall be located in an easement or required front yard nor under any overhead wiring. Service drop conductors and any other overhead wiring shall not be installed above a swimming pool.

**E. Lighting:** No lights shall be erected, operated or maintained in connection with a swimming pool in such a manner as to create an annoyance to surrounding properties.

**F. Building Code:** A swimming pool shall meet all applicable standards and provisions of the Township Building Code.

## Section 25.05 STORAGE of RECREATIONAL VEHICLES

**A.** A recreational vehicle may be located outdoors on any parcel of land for the purposes of storage provided the storage is incidental to a permanent principal dwelling on the lot and the following conditions and limitations are met:

1. The recreational vehicle shall meet all applicable setback requirements for principal structures.
2. The recreational vehicle shall not be connected to water or sanitary facilities or otherwise occupied.

**B.** No recreational vehicle shall be stored on any road or highway except within a licensed mobile home or recreational vehicle park.

**C.** The use of a recreational vehicle as a temporary dwelling shall comply with all requirements of Section 25.06 below.

## Section 25.06 TEMPORARY DWELLINGS

**A. Temporary Mobile Home:** The Zoning Administrator may issue a temporary zoning permit for a single-wide mobile home or recreational vehicle with rigid side wall construction, which does not comply with the single family dwelling standards of Section 25.18, whenever a dwelling has been destroyed to the extent that it is no longer safe for human occupancy, as determined by the Township Building Inspector, or when a dwelling is being constructed and temporary living quarters on the same lot are desired during the period of construction. Said permit shall be in effect for up to six (6) months. One (1) extension may be approved by the Zoning Administrator upon adequate demonstration by the applicant that construction delays have been beyond the reasonable control of the applicant. In no case shall the total authorized time for the temporary dwelling exceed one (1) year, during which time a permanent dwelling shall be erected on the property. A performance guarantee in an amount specified by the Township Board shall be required from the property owner prior to placing a mobile home for temporary use, to ensure removal of the mobile home. The lot shall have a potable water and sewage disposal system approved by the County Health Department, and shall be maintained in a clean and sanitary condition at all times. The mobile home or recreational vehicle shall be completely skirted within thirty (30) days of being placed on the premises, and the skirting shall meet the requirements enforced by the Building Inspector.

**B. Recreational Vehicle:** A recreational vehicle may be used as a temporary dwelling only in an Agricultural District, outside of a licensed mobile home or recreational vehicle park, provided the following conditions are met.

1. The applicant shall submit a completed application to the Zoning Administrator in the case where the recreational vehicle is intended to be occupied for more than thirty (30) days within any twelve month period, other than for the purposes of housing farm labor to be used exclusively on the farm property where such vehicle is to be parked. The Zoning Administrator shall issue a temporary zoning permit pursuant to subsection (C) below. Such permit shall not exceed four (4) weeks and may be renewed a single time. The application shall specify, at a minimum:
   a. The name of the vehicle owner.
   b. The make and length of the vehicle, the vehicle number, and the license number.
   c. The location of the proposed parking site, by property address or legal description where no address is available.
   d. Names of all persons, and their respective ages, to be occupying the vehicle and their relationship to the property owner.
2. The recreational vehicle shall meet all applicable setback requirements for principal structures.

**C. Additional Requirements:** A temporary zoning permit for a mobile home or recreational vehicle shall not be granted, for any reason, unless the Zoning Administrator finds:

1. Evidence that the proposed location of the temporary dwelling will not be detrimental to property within three-hundred (300) feet of the parcel intended to be the location of the temporary dwelling.
2. Proposed water supply and sanitary facilities have been approved by the County Health Department where necessary.

## Section 25.07 ACCESSORY USES, BUILDINGS, and STRUCTURES

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

**A. Attached:** An accessory building, including carports which are attached to the principal building, shall comply in all respects with the requirements of this Ordinance applicable to the principal building. Breezeways, as an attachment between the garage or carport and the main building, shall be considered a part of the main building, but shall not be considered habitable floor area.

**B. Separation Distance:** An accessory building or structure, unless attached and made structurally a part of the principal building, shall not be closer than ten (10) feet to any other structure on the lot.

**C. Placement:**

1. Accessory buildings and structures are subject to all side and rear yard setback requirements of the District in which they are located except as follows:
   a. In the AR District, the minimum rear yard setback shall be twenty (20) feet.
   b. In the R-1, R-2, R-3 and R-5 Districts, the minimum rear yard setback shall be ten (10) feet.
2. Accessory buildings and structures not constituting farm buildings shall not be located in any front yard except in the case where the following conditions are met:
   a. The accessory buildings and structures are located in the AR District.
   b. The lot is greater than five (5) acres in area.
   c. The accessory buildings and structures are set back a minimum distance from the front lot line a distance equal to one hundred (100) feet or one-half (1/2) of the distance from the front lot line to the principal building, whichever is greater.
   d. The accessory buildings and structures are not located in front of the dwelling but off to one side as viewed in front of the dwelling from the front lot line.
3. Accessory buildings and structures constituting farm buildings shall not be located in any front yard except in the case where the following conditions are met:
   a. The accessory buildings and structures are located in the AR District:
   b. The accessory buildings and structures are set back a minimum distance from the front lot line equal to the required setback according to Section 10.09.
   c. The accessory buildings and structures are not located in front of the dwelling but off to one side as viewed in front of the dwelling at the front lot line.
4. In no case shall accessory buildings and structures on lakefront lots be set back less than twenty-five (25) feet from the rear lot line abutting a public or private road.

**D. Lot Coverage:** In the case of a lot in a residential district other than the AR District, the total area of all accessory buildings and structures in any yard in which such accessory buildings and structures are authorized shall not occupy more than thirty (30) percent of the area of such yard, and in no instance shall any single accessory building or structure exceed the ground floor area of the principal building unless such building or structure is setback from all lot lines an additional five (5) feet for each one-hundred (100) sq. ft. that the building or structure exceeds the ground floor area of the dwelling. However no accessory building or structure shall be erected that results in noncompliance with the building coverage standards of Section 10.08 of Article 10 irrespective of the district in which it is located.

**E. Height:** No detached residential accessory building or structure shall exceed one and a half (1 1/2) stories or twenty-five (25) feet in height, except that no detached residential accessory building or structure in the AR or R-1 District shall not exceed thirty-five (35) feet in height. Detached accessory buildings for other uses may be constructed to equal the permitted maximum height of structures in said districts. The restrictions of subsection (E) shall not apply to agriculturally-related accessory structures on parcels greater than twenty (20) acres in size, or accessory structures allowed by special land use approval.

**F. Prior to a Principal Structure:** Buildings and structures that customarily function as accessory to a principal use, such as a detached garage, are prohibited prior to the erection of the principal structure's foundation and all framing.

1. Where two or more abutting lots along a road are held under one (1) ownership, with one (1) of the lots being vacant and the other having a principal structure upon it, an accessory building or structure may be erected on the vacant lot provided such lots are combined to create a new lot with a single tax description. In the R5 district only, in the case where the two (2) lots are on opposite sides of an interior road within a platted subdivision or similar neighborhood configuration and separated only by such road right-of-way, an accessory building or structure may be erected.

**G. Habitation of Accessory Structures:** No accessory building or structure shall be used or occupied as a dwelling.

## Section 25.08 ONE DWELLING UNIT to a LOT

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

## Section 25.09 MOVING BUILDINGS

No existing building or other structure within or outside of the Township shall be relocated upon any parcel or lot within the Township unless the building or structure meets all applicable provisions of this Ordinance, including but not limited to required setbacks, and the building and all materials therein are approved by the Township Building Inspector.

## Section 25.10 FLAG LOTS

Flag lots may be permitted as either an owned strip of land or an easement for access. A flag lot must have at least thirty-seven (37) feet of frontage on a public road. Any right-of-way shall serve only one (1) lot. There shall be at least a distance equivalent to the lot width of a conforming lot between flag lots. The minimum front, side and rear yard requirements of the district in which a flag lot is located must be met on the portion of lot excluding the right-of-way. At the time of plot plan review, the applicant shall specify which yard is to serve as the front yard. (See Figure 26-3).

## Section 25.11 HOME OCCUPATION

The regulation of home occupations as provided herein is intended to secure flexibility in the application of the requirements of this Ordinance; but such flexibility is not intended to allow the essential residential character of residential districts, in terms of use and appearance, to be changed by the occurrence of non-residential activities. Home occupations, as defined in Article 26 of this Ordinance, shall satisfy the following conditions:

**A.** The nonresidential use shall only be incidental to the primary residential use.

**B.** No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors or electrical interference detectable to the normal senses off the lot. No equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises.

**C.** The home occupation shall not employ more than one (1) person not residing in the home.

**D.** All activities shall be carried on indoors. No visible outdoor storage or display shall be permitted.

**E.** There shall be no change in the exterior appearance of the building or premises, or other visible evidence of the conduct of such home occupation other than a permitted sign.

**F.** No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall be met off the street and other than in a required front yard, although motor vehicles may be parked in an existing driveway if it is of sufficient size. No additional off-street parking demand shall be created.

**G.** Limited retail sales may be permitted on the premises, as an incidental, rather than principal part of a home occupation.

**H.** The home occupation shall not entail the use or storage of explosive, flammable, or otherwise hazardous waste. No noise, odor, or fire hazard shall be created beyond that which is commonly present in a residential area.

**I.** Visits by customers shall be limited to the hours of 8:00 a.m. to 8:00 p.m.

**J.** Only one (1) home occupation is permitted per dwelling unit.

**K.** A zoning permit is required. The permit shall be issued by the Zoning Administrator after being directed to do so by the Planning Commission upon finding that the permit application complies with the standards of this Section and Article 5, Procedures for Special Land Uses. Conformance to the above standards shall be maintained throughout the duration of the home occupation.

## Section 25.12 CONDITIONAL APPROVALS

**A. Conditions on Discretionary Decisions:** The Planning Commission, Zoning Board of Appeals, and Township Board may attach conditions to the approval of a site plan, special land use, variance or other discretionary approval. Such conditions shall be based upon standards in this Ordinance and may be imposed to:

1. Insure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity.
2. Protect the natural environment and conserve natural resources and energy.
3. Insure compatibility with adjacent uses of land.
4. Promote the use of land in a socially and economically desirable manner.

**B. Requirements for Valid Conditions:** Conditions imposed shall meet all of the following requirements:

1. Be designed to protect natural resources, the health, safety, and welfare and the social and economic well-being of those who will use the land use or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity, and the community as a whole.
2. Be related to the valid exercise of the police power, and purposes which are affected by the proposed use or activity.
3. Be necessary to meet the intent and purpose of the Zoning Ordinance, be related to the standards established in the Ordinance for the land use or activity under consideration, and be necessary to insure compliance with those standards.

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

**D. Performance Guarantees:** Performance guarantees may be required to insure compliance with conditions on discretionary decisions pursuant to the requirements of Section 3.06.

## Section 25.13 FENCES and WALLS

**A.** Walls and fences need not comply with the setback requirements for accessory structures.

**B.** Walls and fences on residential lots shall not exceed a height of six (6) feet, except that a wall or fence placed within a front yard area shall not exceed a height of three (3) feet on a lakefront lot and four (4) feet on all other lots.

**C.** Barbed wire, spikes, nails, or any other sharp point or instrument of any kind on top or on the sides of any fence, or electric charge in said fence is prohibited, except that barbed wire cradles may be placed on top of fences enclosing public utility and industrial buildings, and radio, TV and telecommunications facilities, wherever deemed necessary in the interests of public safety. Barbed wire and electric fences may be used for agricultural purposes.

## Section 25.14 OUTDOOR DISPLAY, SALES and STORAGE

**A.** Outdoor display and sales of merchandise is permitted within Commercial and Industrial districts and as part of a special land use, where so designated on a site plan and approved pursuant to Article 4. The permitted outdoor display and sales area shall not exceed twenty-five percent (25%) of the use's indoor retail sales floor area, except a minimum of two hundred (200) square feet area shall be permitted in all cases but shall never exceed an area of eight hundred (800) square feet. ”Outdoor display and sales area” is that area not contained within a building which is generally used to display materials or products to the public and are available for purchase in the display area or elsewhere on the property.

1. Subsection (A) shall not apply to the display and sales of motor vehicles, boats, items intended for tow, or live retail and wholesale landscape materials.

**B.** Excepting the display and sales of motor vehicles, boats, items intended for tow, or live retail and wholesale landscape materials, and unless specifically noted otherwise elsewhere in this Ordinance, all storage of materials, products, machinery, and equipment in Commercial districts and Industrial districts, or as part of a special land use, shall be screened by an opaque fence or wall at least six (6) feet in height. This provision shall apply, but not be limited to, lumber piles, crates, boxes, building blocks, and other materials which are either discarded, showing evidence of a need for repairs, or which encourages vermin.

## Section 25.15 CONDOMINIUM SUBDIVISIONS

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

**A. Applicability of District Regulations:** A condominium unit, including single family detached units, shall comply with all applicable site development standards of the district within which it is located, including setback, height, coverage and area requirements, and all other provisions of this ordinance except as may be varied through a planned unit development. A condominium unit in a condominium subdivision is that portion of the project intended to function generally similar to a platted subdivision lot and shall comply with the minimum lot area, width and yard setbacks of the District within which it is located, except as may be permitted by a planned unit development.

**B. Applicability of Subdivision Regulations:** Condominium subdivisions shall conform to the design, layout and improvement standards and provisions in the Marathon Township Subdivision Regulations. However, the plat review and approval process required by the Subdivision Regulations shall not apply to condominium subdivisions but shall be reviewed according to (E) below.

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

**D. Roads:** All proposed roads within a Condominium Development shall comply with the applicable sections in Article 22 of the current Marathon Township Zoning Ordinance 200.

**E. Review and Approval Procedures:**

1. Zoning Permit Required: Construction of a condominium subdivision shall not be initiated prior to the issuance of a zoning permit. The issuance of a zoning permit shall require the submittal and approval of a final site plan pursuant to Article 4, Plot Plan and Site Plan Review, and master deed and bylaw documents. The Planning Commission shall be the approving body.
2. Sketch Plan Approval Required: The applicant shall submit a sketch plan pursuant to Section 4.06(A) and the Planning Commission shall act upon the sketch plan pursuant to Section 4.06(B). Upon approval of the sketch plan, the applicant shall submit the approved sketch plan to those outside review agencies with review or permit authority over the project as determined by the Planning Commission. Such agencies shall include but not be limited to:
    a. County Road Commission.
    b. County Drain Commission.
    c. County Health Department.
    d. Michigan Department of Transportation.
    e. Michigan Department of Natural Resources and Department of Environmental Quality.
3. Site Plan Approval Required: Following submittal of the sketch plan to applicable outside agencies, the applicant shall revise the plan, if required, and shall submit a site plan. The applicant shall submit a site plan which shall be acted upon pursuant to Article 4. The site plan shall include:
    a. all information required by Section 4.03(B).
    b. information constituting a condominium subdivision plan, including the size, location, area, width, and boundaries of each condominium unit; building locations; the nature, location, and approximate size of common elements; and other information required by Section 66 of Michigan Public Act 59 of 1978, as amended.
4. Master Deed/Bylaws Approval Required: The applicant shall furnish the Planning Commission with fifteen (15) copies of the proposed master deed and bylaws and shall be reviewed for compliance with the Township's Code of Ordinances and to ensure that an assessment mechanism has been included to guarantee adequate funding for maintenance of all common elements. The common area funding responsibility of the association shall include any necessary drainage-ways and the cost to periodically clean out such drainage ways to keep them functioning as intended in the approved plans. The master deed shall clearly state the responsibility of the owner and co-owners and shall state that all amendments to the master deed must conform with Township, County, and state laws and regulations. The Master Deed shall also include any variances granted by Township, County, or State authorities and include a hold harmless clause from these variances. All provisions of the condominium subdivision plan which are

approved by the Planning Commission shall be incorporated, as approved, in the master deed for the condominium subdivision.

5. Issuance of Zoning Permit: Upon approval of the final site plan, the applicant shall furnish the Township Clerk a copy of the final bylaws and master deed, and a copy of the approved site plan on a sheet of at least twenty-four inches by thirty-six inches (24" x 36"). Upon the satisfactory submittal of these documents, the Clerk shall direct the Zoning Administrator to issue a zoning permit.

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

**G. As-Built Plan and Occupancy:** Submission of an as-built plan of a condominium subdivision is required. The Zoning Administrator may allow occupancy of the project before all required improvements are installed provided that a financial performance guarantee in the form of a cash deposit or letter of credit is submitted to the Township Clerk, sufficient in amount and type to provide for the installation of improvements. The amount of the financial guarantee shall be determined by the Planning Commission based on an estimate of the Township engineer.

**H. Monuments:** All condominium units which are building sites shall be marked with monuments as provided below:

1. Monuments shall be located in the ground and made according to the following requirements, but it is not intended or required that monuments be placed within the traveled portion of a street to mark angles in the boundary of the condominium subdivision if the angle points can be readily reestablished by reference to monuments along the sidelines of the streets.
2. All monuments used shall be made of solid iron or steel bars at least 1/2 inch in diameter and 36 inches long and completely encased in concrete at least 4 inches in diameter.
3. Monuments shall be located in the ground at all angles in the boundaries of the condominium subdivision; at the intersection lines of streets with the boundaries of the condominium subdivision and at the intersection of alleys with the boundaries of the condominium subdivision; at all points of curvature, points of tangency, points of compound curvature, points of reverse curvature and angle points in the side lines of streets and alleys; and at all angles of an intermediate traverse line.
4. If the required location of a monument is in an inaccessible place, or where the locating of a monument would be clearly impractical, it is sufficient to place a reference monument nearby and the precise location thereof be clearly indicated on the condominium subdivision and referenced to the true point.
5. If a point required to be monumented is on a bedrock outcropping, a steel rod, at least 1/2 inch in diameter shall be drilled and grouted into solid rock to a depth of at least 8 inches.
6. All required monuments shall be placed flush with the ground where practical.
7. All lot corners shall be monumented in the field by iron or steel bars or iron pipes at least 18 inches long and 1/2 inch in diameter or other approved markers.
8. The Township Board may waive the placing of any of the required monuments and markers for a reasonable time, not to exceed one year, on condition that the proprietor deposits with the Township Clerk cash or a certified check, or irrevocable bank letter of credit naming to the municipality, whichever the proprietor selects, in an amount not less than $25.00 per monument and not less than $100.00 in total, except that lot corner markers shall be at the rate of not less than $10.00 per marker. The performance guarantee shall be returned to the proprietor pursuant to the provisions of Section 3.06 upon receipt of a certificate by a surveyor that the monuments and markers have been placed as required within the time specified.

## Section 25.16 EARTH SHELTERED HOMES

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

## Section 25.17 ROADSIDE STANDS

**A. Standards:** Roadside stands shall comply with the following:

1. Roadside stands shall comply with the most current Generally Accepted Agricultural Management Practices for Farm Markets as published by the Michigan Agriculture Commission, including limitations on the range of products sold. All products sold shall be farm products.
2. Roadside stands shall comply with the most current Generally Accepted Agricultural Management Practices for Farm Markets as published by the Michigan Agriculture Commission, including limitations on the range of products sold. All products sold shall be farm products.
3. At least four off-street parking spaces shall be provided except in the case where a roadside stand gains access from a major thoroughfare, in which case six (6) spaces shall be provided.
4. One driveway is established with a width at least twenty-five (25) but not more than thirty-five (35) feet or another means of ingress and egress is established satisfactory to the Zoning Administrator which allows cars to turn around on the lot before exiting.
5. No structure larger than two hundred twenty-five (225) square feet shall be erected for use as the roadside stand. Roadside stands of one hundred twenty (120) square feet or more shall not be erected without the acquisition of a building permit first.
6. No roadside stand shall be located closer than twenty-five (25) feet from the right-of-way and shall conform to side yard setbacks.
7. Hours of operation shall be between the hours of 8:00 a.m. and 8:00 p.m.
8. All signs shall comply with Article 20.

## Section 25.18 SINGLE FAMILY DWELLINGS

All single family dwellings shall comply with the following standards, provided that the foregoing standards shall not apply to temporary dwellings or mobile homes located in a licensed mobile home park, except to the extent required by State and Federal law.

**A.** Single family dwellings shall have a minimum floor area of nine hundred sixty (960) square feet, exclusive of porches and attached garages. The main floor area shall contain at least six hundred fifty (650) sq. ft. Single family dwellings shall have a minimum width of twenty-four (24) feet along sixty (60) percent of its length, a main roof pitch of a minimum vertical rise of one (1) foot for each four (4) feet of horizontal run, and permanent steps or porch areas where there exists an elevation difference of more than eight (8) inches between a door and the surrounding grade. Single family dwellings shall comply in all respects with the Township Building Code, including minimum heights for habitable rooms. Where a dwelling is required by law to comply with a federal or state standards or regulations for construction (as in the case of mobile homes) and where such standards or regulations for construction are different than those imposed by the Township Building Code, then and in that event such federal or state standard or regulation shall apply.

**B.** All dwellings shall be firmly attached to a permanent foundation constructed on the site in accordance with the Township Building Code. If utilized, a crawl space of not less than twenty-four (24) inches shall be provided.

**C.** In the event that a dwelling is a mobile home as defined herein, each mobile home shall be installed with the wheels removed. Additionally, no dwelling shall have any exposed towing mechanism, undercarriage or chassis.

**D.** All dwellings shall be connected to a public sewer and water supply or to such private facilities approved by the Lapeer County Health Department.

**E.** All dwellings shall contain storage area equal to twenty percent (20%) of the square footage of the dwelling or four-hundred (400) square feet, whichever is less, and shall be located in a basement part of the dwelling, in an attic area, in closet areas, and/or in a separate structure constructed of similar or better quality workmanship as the dwelling. Such required storage area shall be in addition to any interior storage area designed for the parking of vehicles.

**F.** All subsequent additions to a dwelling shall be of similar or better quality workmanship as the original structure, including construction of a foundation as required herein.

**G.** All construction required herein shall be commenced only after a building permit has been obtained in accordance with the applicable Township Building Code provisions and requirements.

## Section 25.19 COMMON USE WATERFRONT

When more than two (2) families share frontage on a lake without residing on said frontage, such common use and/or ownership of the waterfront shall be governed by this Section. The provision herein shall apply regardless of whether access to the waterfront is gained by easement, common or joint fee ownership, single fee ownership, lease, license, site condominium unit, stock, or membership in a corporation, or any other means. All such common use waterfronts must comply with the following regulations and standards:

**A.** Site Plan approval is required by the Planning Commission, pursuant to Article 4, except that the following additional information shall be included in the site plan:

1. The specific uses permitted on the common waterfront area, the locations of same, and all conditions that must be met to entitle one to such uses.
2. The bearings, distances, and calculations showing compliance with subsections (B), (C), and (D) below.
3. Proposed location of docks or other waterfront structures.
4. A copy of the proposed registered deed identifying all lots and dwelling units that will have rights to the use of the common waterfront lot and any other proposed deed provisions regarding limitations on the use of or construction upon the CU lot.

**B.** The land comprising the common waterfront shall have a minimum frontage on the water of not less than one hundred (100) feet, measured at the water's edge, and shall have an area of at least fifteen thousand (15,000) square feet. The required frontage shall be increased by at least twenty-five (25) feet, and the land area shall be increased by at least five thousand (5,000) square feet, for each family in excess of two (2) having waterfront privileges associated with the common waterfront.

**C.** One (1) parking space shall be provided for each family having waterfront privileges, unless this standard is reduced or otherwise waived by the Planning Commission due to the proximity of the families having such privileges to the common waterfront.

**D.** The Planning Commission shall approve, disapprove or approve with conditions the site plan based upon the standards pursuant to Section 4.05, except that the following standards shall be considered as well:

1. The extent of contemplated injury or nuisance, including noise, to owners or riparian, adjacent and nearby lands.
2. The impact upon the public's enjoyment of the navigable waters.
3. The impact of the proposed common waterfront uses by approval of subsequent development of similar nature.

## Section 25.20 PERMITTED YARD ENCROACHMENTS

**A.** Certain architectural features such as cornices, eaves, gutters, chimneys, pilasters and similar features may project three (3) feet into the required front setback areas, five (5) feet into required rear yard setback areas, and two (2) feet into the required side yard setback areas. However, in no case shall such architectural features encroach within three (3) feet of a lot line.

**B.** An unenclosed porch, deck, balcony or awning may project from a principal building into the required rear yard setback area for a distance not to exceed fifteen (15) feet; into a required front yard setback area for a distance not to exceed eight (8) feet; and into a required side setback area for a distance not to exceed three (3) feet, but in no case shall a balcony, porch, or awning be placed closer than five (5) feet to any lot line. Physical structures relating to barrier free access, such as ramps, shall not be required to comply with setback requirements with approval of the Zoning Administrator, upon a written finding by the Zoning Administrator that such encroachment into a setback area is the minimum necessary to accommodate reasonable access.

**C.** Fire escapes and outside stairways, if of open construction, may project into a required yard to a maximum of five (5) feet.

## Section 25.21 EXCEPTION to FRONTAGE REQUIREMENTS

The lot frontage of a lot may be reduced below the minimum lot frontage requirement of the District in which it is located where the front lot line of such lot abuts a curvilinear segment of a road, including a cul-de-sac, where without such reduction, such lots would be unnecessarily excessive in lot width or lot area. However, such frontage reduction shall result in a lot with a minimum of sixty-six (66) feet of frontage and such lot shall comply with the minimum lot width requirement of the District over a minimum of sixty percent (60%) of the lot area.

**End of Article 25**

# Article 26
# DEFINITIONS

## Section 26.01 CONSTRUCTION OF LANGUAGE

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

**A.** Words used in the present tense include the future tense; and the singular includes the plural, unless the context clearly indicates the contrary.

**B.** The word "person" includes a corporation, association, partnership, trust, firm, or similar activity as well as an individual.

**C.** The word "building" includes the word "structure" and both include any part thereof.

**D.** The word "lot" includes the word "plot", "tract", or "parcel".

**E.** The term "shall" is always mandatory and not discretionary; the word "may" is permissive.

**F.** The word "used" or "occupied" as applied to any land or building shall be construed to include the words “intended to be used or occupied,” “arranged to be used or occupied,” “maintained to be used or occupied,” or “designed to be used or occupied.”

**G.** The words "this Ordinance" means the text of this Ordinance as well as all maps, tables, graphics, and schedules, as included or attached as enacted or subsequently amended.

**H.** Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions, or events connected by the conjunction "and," "or," "either...or," the conjunction shall be interpreted as follows:

1. "And" indicates that all the connected items, conditions, provisions, or events shall apply.
2. "Or" indicates the connected items, conditions, provisions or events may apply singly or in any combination.
3. "Either/or" indicates that the connected items, conditions, provisions, or events shall apply singly, but not in combination.

**I.** The "Township" is the Township of Marathon in the County of Lapeer, State of Michigan; the "Township Board", "Board of Appeals" and "Planning Commission" are, respectively, the Township Board of Trustees, Zoning Board of Appeals, and Planning Commission of the Township.

**J.** Any word or term not interpreted or defined by this Ordinance shall be used with a meaning of common or standard utilization. A dictionary may be consulted.

**K.** Where a specific agency, department, law, or rule is referred to in this Ordinance, such reference shall include any successor agency, department, law or rule.

## Section 26.02 DEFINITIONS

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

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

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

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

**Agriculture:** The act or business of cultivating land or using land as a primary source of income, including associated buildings and machinery, for the commercial production of farm products as defined in the Michigan Right to Farm Act, P.A. 93 of 1981, as amended; including but not limited to pasturage, floriculture, dairying, horticulture, forestry, and livestock or poultry husbandry.

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

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

**Arcade:** Any establishment which provides on its premises five (5) or more machines which may be operated or used as a game, contest or for amusement of any description, not including devises used solely for playing music.

**Artificial Pond:** A body of water created other than by natural environmental conditions to cover, or be designed to cover, more than one (1) acre of land area. The term “artificial pond” shall also include such land areas subsequently flooded with water as a result of the artificial or man-made extension of a natural or artificial lake or pond existing at the effective date of this Ordinance.

**Automobile Service Station:** A place used primarily for the retail sales of gasoline, oil, grease, batteries, tires and other operational fluids and accessories for automobiles, and the installation of such items. Such places may also perform minor automobile repair, limited to engine tune-ups and servicing of brakes, air conditioning, and exhaust systems; oil change or lubrication; wheel alignment or balancing; or similar servicing or repairs that do not normally require any significant disassembly or storing the automobiles on the premises overnight, but does not include auto refinishing, body work or painting, dismantling of vehicles for the purpose of reuse or resale of parts. Automobile service stations may also incorporate a convenience store operation as an accessory use, provided it is clearly incidental to the service station use.

**Basement:** That portion of a building which is partly or wholly below finished grade. A basement shall not be considered as a story except as included in the definition of “story.”

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

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

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

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

**Building Height:** The vertical distance from the average of the highest and lowest finished grade along the perimeter wall of the building to the highest point of the roof surface.

**Building Inspector:** An individual hired by Marathon Township to administer the Township building code.

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

**Certificate of Occupancy:** A document signed by the Building Inspector as a condition precedent to the commencement of a use or the construction/reconstruction of a structure or building which acknowledges that such use, structure or building complies with the provisions of this Ordinance and the Township building code.

**Change of Use:** A use of a building, structure or parcel of land, or portion thereof which is different from the previous use in the way it is classified in this Ordinance or in the Township building code, as amended.

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

**Club:** An organization of persons for special purposes or for the promulgation of sports, arts, science, literature, politics, agriculture or similar activities, but not operated for profit nor open to the general public.

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

**Composting Center:** An establishment principally involved in the biological decomposition of organic matter under controlled conditions that are primarily characterized by aerobic, elongated piles that generate heat, and where organic matter is collected and delivered from off-site, thereby allowing for large scale composting.

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

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

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

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

**County Planning Commission:** The Lapeer County Planning Commission and/or Lapeer County Zoning Coordinating Committee, whichever may be in existence.

**Curb Cut:** The entrance to or exit from a property provided for vehicular traffic to or from a public or private road or highway.

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

a. A Sunday school, a vacation bible school, or a religious instructional class that is conducted by a religious organization where children are in attendance for not greater than 3 hours per day for an indefinite period, or not greater than 8 hours per day for a period not to exceed 4 weeks during a 12-month period.
b. A facility operated by a religious organization where children are cared for not greater than 3 hours while persons responsible for the children are attending religious services.

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

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

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

**Driveway:** A means of access for vehicles from a street or approved alley across a lot or parcel to a parking or loading area, garage, dwelling or other structure or area on the same lot, that is located and constructed in accordance with the requirements of this Ordinance and any requirements of the Lapeer County Road Commission or State of Michigan.

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

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

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

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

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

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

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

**Erosion:** The removal of soil particles from the land by the action of water, wind, ice, or other geological elements.

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

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

**Extraction Operation:**

1. Extraction Operation, Large Scale: The removal of any earthen material, including top soil, sand, gravel, stone or any other earthen material, for the purpose of sale or use or disposition on a different lot from which the earthen material was removed, that does not otherwise constitute a "small scale extraction operation." A large scale extraction operation may include mechanical crushing, sorting, washing, and other accessory operations where expressly approved. A large scale extraction operation shall not be construed to apply to excavation activities that are necessitated by and part of the construction of a building, parking lot, or other construction project on the same lot and for which all necessary permits have been granted.
2. Extraction Operation, Small Scale: The removal of any earthen material, including top soil, sand, gravel, stone or any other earthen material, from a lot or other approved designated area that does not exceed four (4) acres in area, for the purpose of sale or use or disposition on a different lot from which the earthen material was removed. A small scale extraction operation shall not be construed to include mechanical crushing, sorting, washing, and other accessory operations. A small scale extraction operation shall not be construed to apply to excavation activities that are necessitated by and part of the construction of a building, parking lot, or other construction project on the same lot and for which all necessary permits have been granted.

## B. Definitions Of Words And Phrases Beginning With The Letters "F" Through "J":

**Family:**

a. An individual or group of two or more persons related by blood, marriage, or adoption, including foster children and servants, together with not more than two additional persons not related by blood, marriage, or adoption, living together as a single housekeeping unit in a dwelling unit; or
b. A collective number of individuals domiciled together in one dwelling unit whose relationship is of a continuing non-transient domestic character and who are cooking and living as a single nonprofit housekeeping unit. This definition shall not include any society, club, fraternity, sorority, association, lodge, coterie, organization, or group of students or other individuals whose domestic relationship is of a transitory or seasonal nature or for an anticipated limited duration of a school term or terms or other similar determinable period. Said definition shall not apply in instances of group care centers, or state licensed residential facilities as established under P.A. 395 of 1976, as amended.

**Farm:** All of the associated land, consisting of twelve (12) or more acres, operated as a single unit on which bonafide farming is carried on, including livestock and poultry raising, dairying, crop production, forestry, tree and shrub nurseries, greenhouses, sod farms, and similar enterprises involving agricultural production.

**Farm Building:** Any building or structure, other than a dwelling, which is customarily used on farms for the commercial production of farm products.

**Farm Product:** Those plants and animals useful to man and includes, but is not limited to: forages and sod crops; grains, and feed crops; dairy and dairy products; poultry and poultry products; livestock, including breeding and grazing; fruits, vegetables, flowers, seeds, grasses, and trees; fish, apiaries, equine and other similar products; or any other products which incorporate the use for food, feed, fiber, or fur.

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

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

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

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

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

a. Family Home: A facility which provides foster care to six (6) or fewer persons.
b. Group Home: A facility which provides foster care to seven (7) or more persons.

**Frontage:** The total continuous length of the front lot line. In the case of waterfront lots, the term frontage shall also apply to the total continuous length of the rear lot line.

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

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

**Grade, Finished:** The elevation of the ground surface upon the completion, or intended completion, of construction and improvements.

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

**Home Occupation:** An occupation or profession conducted entirely within a dwelling or accessory building, which is clearly incidental and secondary to the residential use of the lot; does not change the character of the dwelling, and meets all applicable provisions of this Ordinance.

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

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

**Hunt Club:** An area where wildlife are maintained for hunting by club members.

**Junk:** Any motor vehicles, machinery, appliances, products, or merchandise with parts missing, or other scrap materials, that are damaged or deteriorated, or are in a condition that prevents their use for the purpose for which the product was manufactured, and are not stored or maintained within an enclosed structure or otherwise permitted as part of an approved junk yard.

**Junk Yard/Salvage Yard:** Any land or building used: 1) for the abandonment, storage, keeping, collecting, or baling of junk including paper, rags, scrap metals, or other scrap or discarded materials; or 2) for the abandonment, demolition, dismantling, storage or salvaging of machinery, automobiles or other vehicles not in normal running condition, or parts thereof. A junk yard shall be considered as a special land use requiring special approval.

**C. Definitions of words and phrases beginning with the letters "K" through "O":**

**Kennel:** A lot or premises on which four (4) or more dogs, six (6) months of age or older, are kept.

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

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

**Lot:** A tract of land occupied, or intended to be occupied, by 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 yards and open spaces as are required under the provisions of this Ordinance. A lot may or may not be specifically designated as such on public records. *(for example, see Figure 26-1 at end of this Section).*

**Lot Area:** The area of the horizontal plane within the lot lines of a lot, exclusive of any public or private road right-of-way abutting any side of the lot and exclusive of the area of a lake.

**Lot, Corner:** Any lot having at least two (2) contiguous sides abutting upon one or more streets or approved private roads, provided that the interior angle at the intersection of such two sides is less than one hundred thirty-five (135) degrees. A lot abutting a curved street(s) shall be a corner lot if the arc has a radius less than one hundred and fifty (150) feet. (see Figure 26-1 at end of this Section).

**Lot Coverage:** The area of a lot, stated in terms of percentage, that is covered by all buildings and structures located thereon.

**Lot, Depth Of:** The distance from the front lot line of the lot to its opposite rear line, measured midway between the side lot lines. (see Figure 26-2 at end of this Section)

**Lot, Flag:** A lot whose access to the road is by a narrow, private right-of-way that is either a part of the lot or an easement across another property and does not meet the frontage requirements of the district in which it is located. (see Figures 26-2 and 26-3 at end of this Section)

**Lot, Interior:** A lot other than a corner lot which, with the exception of a "through lot", has only one lot line fronting on a street *(for example, see Figure 26-1 at end of this Section).*

**Lot Lines:** The lines bounding a lot or parcel *(for example, see Figure 26-3 at end of this Section).*

a. Lot Line, Front: In the case of a lot not located on a corner, the line separating said lot from the public or private right-of-way. In the case of a corner lot or through lot, the front lot line shall be that line that separates said lot from the right-of-way for the road which is designated as the front on the plat, or on the plot plan or site plan review application, subject to approval. On a flag lot, the front lot line shall be the interior lot line most parallel to and nearest the road from which access is obtained *(for example, see Figure 26-3 at end of this Section).* In the case of a lakefront lot, the front lot line shall be the ordinary high water mark.

b. Lot Line, Rear: The lot line opposite and most distant from the front lot line. In the case of a triangular or otherwise irregularly shaped lot or parcel, an imaginary line at least ten feet in length entirely within the lot or parcel, parallel to and at a maximum distance from the front lot line *(see Figure 26-3 at end of this Section).*

c. Lot Line, Side: Any lot line other than a front or rear lot line (see Figure 26-3 at end of this Section).

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

**Lot, Through:** A lot having frontage on two (2) roads other than a corner lot *(for example, see Figure 26-1 at end of this Section).*

**Lot Width:** The straight line horizontal distance between the side lot lines, measured at the two (2) points where the minimum required front setback line intersects the side lot lines (*for example, see Figure 26-2 at end of this Section*).

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

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

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

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

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

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

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

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

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

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

**Nonconforming Building or Structure:** A building or structure (or portion thereof) lawfully existing at the time of adoption of this Ordinance or a subsequent amendment thereto, that does not conform to the provisions of this Ordinance relative to height, bulk, area, placement or yards for the zoning district in which it is located.

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

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

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

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

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

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

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

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

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

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

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

**Pet:** A domesticated dog, cat, bird, gerbil, hamster, guinea pig, turtle, fish, rabbit, or other similar animal that is commonly available and customarily kept for pleasure or companionship.

**Planned Unit Development:** A land use project involving the use of special zoning requirements and review procedures which are intended to provide design and regulatory flexibility, so as to encourage innovation in land use planning and design and thereby achieve a higher quality of development than might not otherwise be possible.

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

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

**Plot Plan:** A plan showing all significant features of a proposed development so that it may be evaluated in order to determine whether it meets the provisions of this Ordinance. A plot plan generally contains less comprehensive and detailed information about improvements proposed on the site than does a site plan, and is required for such uses as single family dwellings and two family dwellings.

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

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

**Private Landing Strip:** A cleared and level area used by the owner or lessee of the premises for the operation and maintenance of personal aircraft only.

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

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

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

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

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

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

**Recycling Center:** A facility at which recyclable materials as defined in Michigan Public Act 641 of 1978, as amended, are separated and processed prior to shipment to others who will use the materials to manufacture new products.

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

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

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

The term “standard restaurant” shall not be interpreted to mean or include a drive-through restaurant.

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

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

**Road:** A public or private road.

Public Road: A state highway, county road, or dedicated public thoroughfare which affords the principal means of access to abutting property.

Private Road: A private way or means of approach which meets the requirements of Article 22 of Marathon Township Zoning Ordinance 200, as amended.

**Road Commission:** The Lapeer County, Tuscola County, or Genesee County Road Commission whichever Road Commission has jurisdiction over the road in question.

**Roadside Stand (Farm Market):** A place or an area where transactions between a roadside stand operator and customers take place on a seasonal or year-round basis, where at least 50 percent of the products marketed and offered for sale at the roadside stand including processed products, measured as an average over the roadside stand's marketing season or up to a five-year timeframe, are produced on and by a farm which is under the same ownership as the roadside stand itself. A roadside stand need not be located on the farm where the products for sale are produced, but the roadside stand site shall be under same ownership or lease as such farm and located in a District that authorizes agriculture. A roadside stand need not necessarily include a physical structure and may be commonly referred to as a farm market. The Farm Market GAAMPS prepared by the Michigan Commission of Agriculture and Rural Development shall be used as guidelines where a question may arise as to whether a particular activity or use constitutes a roadside stand under this definition.

**Sanitary Landfill:** A facility which employs a method of disposing of refuse on land without creating nuisances or hazards to public health or safety, by utilizing principles of engineering to confine the reuse to the smallest practical area, to reduce it to the smallest practical volume, and to cover it with a layer of suitable cover at the conclusion of each day's operation or at more frequent intervals, as necessary, and is established and maintained in accordance with the provisions of Act 641 of 1978, as amended.

**Setback:** The distance between the centerline of the road right-of-way or the side or rear lot line and the nearest supporting member of a structure on the lot.

**Shooting Range:** A parcel of land on which rifle or pistol target practicing is conducted.

**Sign:** Any words, lettering, parts of letters, figures, numerals, phrases, sentences, emblems, devices, designs, trade names or marks, or other representation, or combination thereof, by which anything is made known, such as the designation of an individual, a firm, an association, a profession, a business, a commodity or product, which is located upon any land or on or in any building, in such manner as to attract attention from outside the premises. *(Refer to Article 22: Signs, for additional definitions pertaining to signs.)*

**Site Plan:** A plan showing all significant features of a proposed development, so that it may be evaluated in order to determine whether it meets the provisions of this Ordinance.

**Special Land Use:** Uses and structures which have been generally accepted as reasonably compatible with the primary uses and structures within a zoning district, but could present potential injurious effects upon the primary uses and structures within the zoning district and therefore require special consideration in relation to the welfare of adjacent properties and to the community as a whole. All such proposed uses shall be subject to a public hearing. Refer to Article 5: Procedures for Special Land Uses.

**Stable, Commercial:** A structure and/or land use where horses are bred, reared, trained, boarded and/or made available for use for remuneration, including trail riding.

**Stable, Private:** An accessory structure and/or land use where horses are kept for primarily private use by the occupants of the parcel and are not for hire, remuneration or sale, and is not used for horse shows nor exceeds the permissible number of horses according to Section 25.02(B).

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

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

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

**Subdivision Plat:** Generally, the division of a tract of land to constitute a plat, in accordance with the Land Division Act, Michigan Public Act 591 of 1996, as amended, and subdivision control regulations as may be adopted by the Township.

**Swimming Pool:** Any permanent, non-portable structure located either above or below grade designed to hold water to a depth of greater than twenty-four (24) inches, intended for swimming or bathing. A swimming pool shall be classified as an accessory structure.

**Temporary Use or Building:** A use or building permitted to exist for a limited period of time under conditions and procedures as provided for in this Ordinance.

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

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

**E. Words and phrases beginning with the letters "U" through "Z":**

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

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

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

**Vehicle Repair Garage:** A place used primarily for the repair of damaged vehicles, including auto refinishing, body work and painting, and dismantling of vehicles for the purpose of repair, reuse or resale of parts.

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

**Vicious Animal:** Any animal other than a household pet that attacks, bites, or injures human beings or domesticated animals without adequate provocation, or which because of temperament, conditioning, or training, has a known propensity to attack, bite, or injure human beings or domesticated animals. The term “vicious animal” shall include, but not be limited to, wolves, coyotes, jackals, or hybrids thereof, and ocelots and margays and hybrids thereof.

**Waterfront Lot:** Any lot or parcel which abuts a lake or pond in excess of twenty (20) acres in surface area, or a river or stream with a width in excess of forty (40) feet as measured from the ordinary high water mark.

**Wetland:** An area that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that, under normal circumstances, does support a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as hydrophytic vegetation.

**Wind Energy Systems (WES):** Means any of the following:

a. A mill or machine operated by wind acting on oblique vanes or sails that radiate from a horizontal shaft;
b. A surface area such as a blade, rotor, or similar device, either variable or fixed, for utilizing the wind for electrical or mechanical power;
c. A shaft, gearing, belt or coupling utilized to convert the rotation of the surface area into a form suitable for driving a generator, alternator or other electricity-producing device;
d. The generator, alternator, or other device to convert the mechanical energy of the surface area into electrical energy;
e. The tower, pylon, or other structure upon which any, all, or some combination of the above are mounted.

**Yard:** An open space, on the same lot with a principal building, unoccupied and unobstructed from the ground upward by a building or structure, except as otherwise permitted in this Ordinance and as defined herein *(for example, see Figure 26-3 at end of this Section):*

a. Front Yard**:** An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the nearest line of the principal building. There shall be maintained a front yard on each street side of a corner lot.

b. Rear Yard**:** An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and the nearest line of the principal building. In the case of corner lots, there shall only be one rear yard which shall be determined by the owner at the time of the submittal of a plot plan to the Zoning Administrator.

c. Side Yard**:** An open space between the principal building and the side lot line, extending from the front yard to the rear yard, the width of which is the horizontal distance from the nearest point of the side lot line to the nearest line of the principal building.

**Zoning Administrator:** The authorized individual(s) appointed by the Township Board of Trustees charged with the responsibility of administering this Ordinance on a day-to-day basis, whose responsibilities include, but are not limited to receiving and processing applications, investigating alleged Ordinance violations, and issuing permits when directed to do so.

**Figure 26-1**
**LOT TYPES**

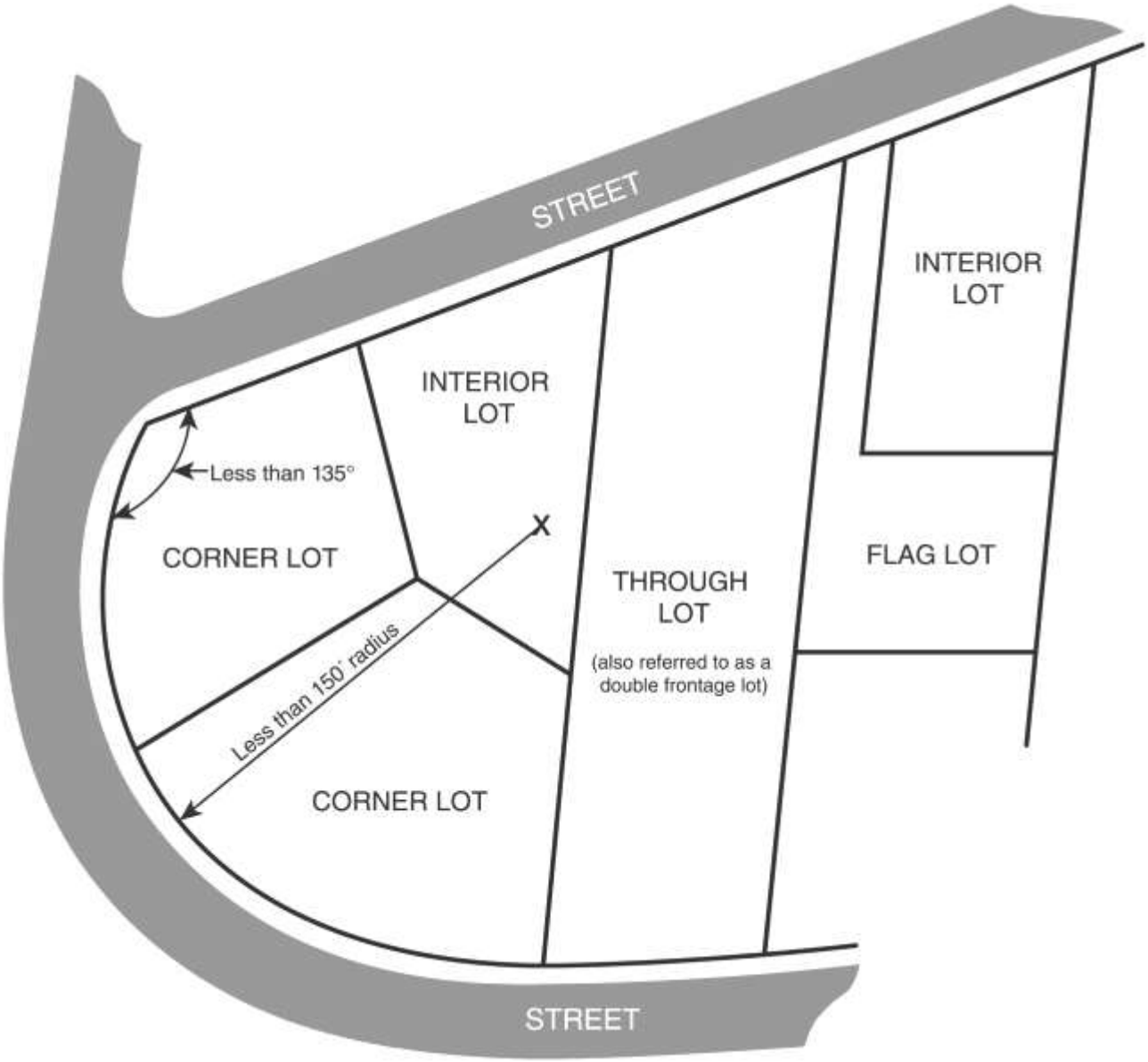


**Figure 26-2**
**LOT DEPTH**

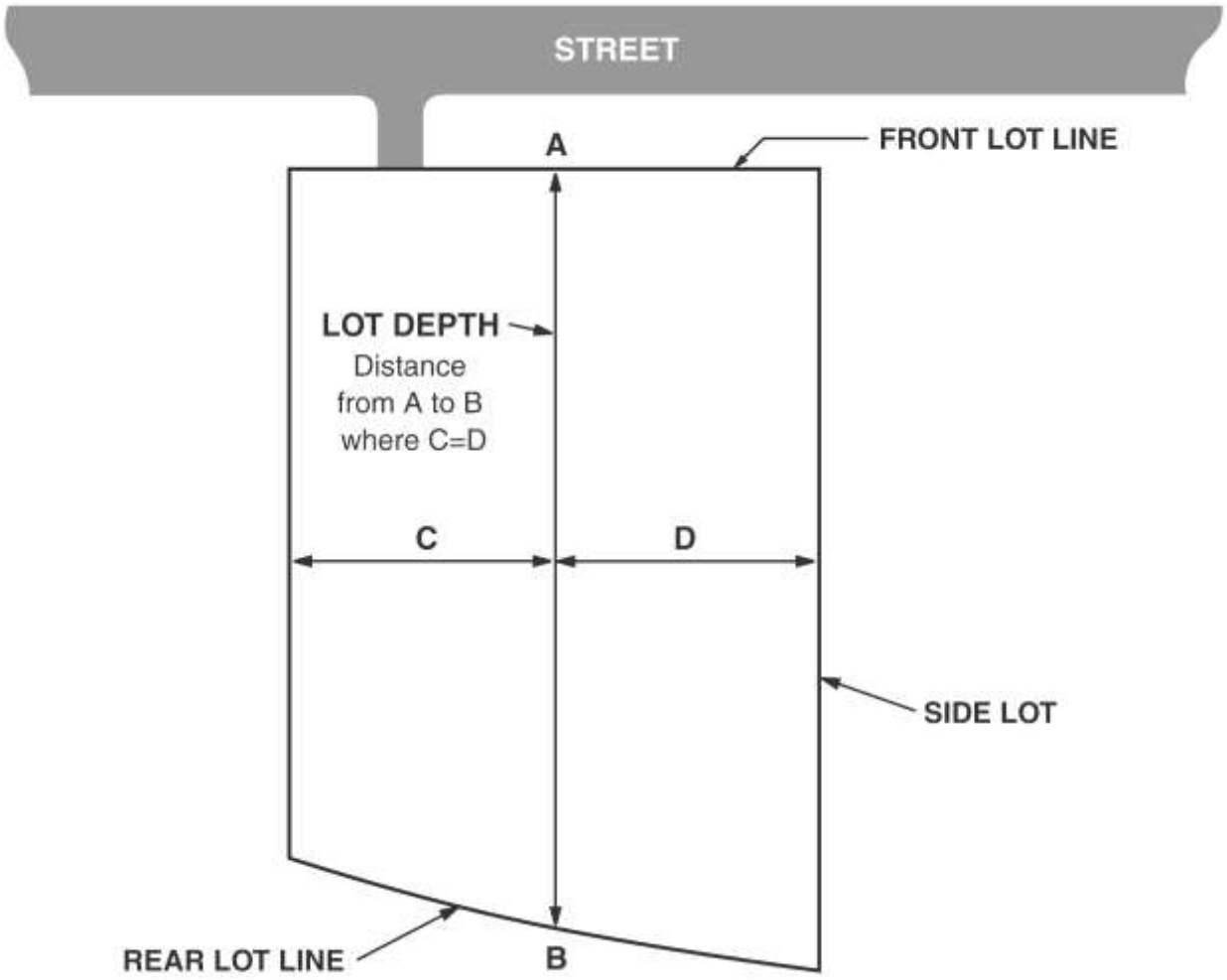
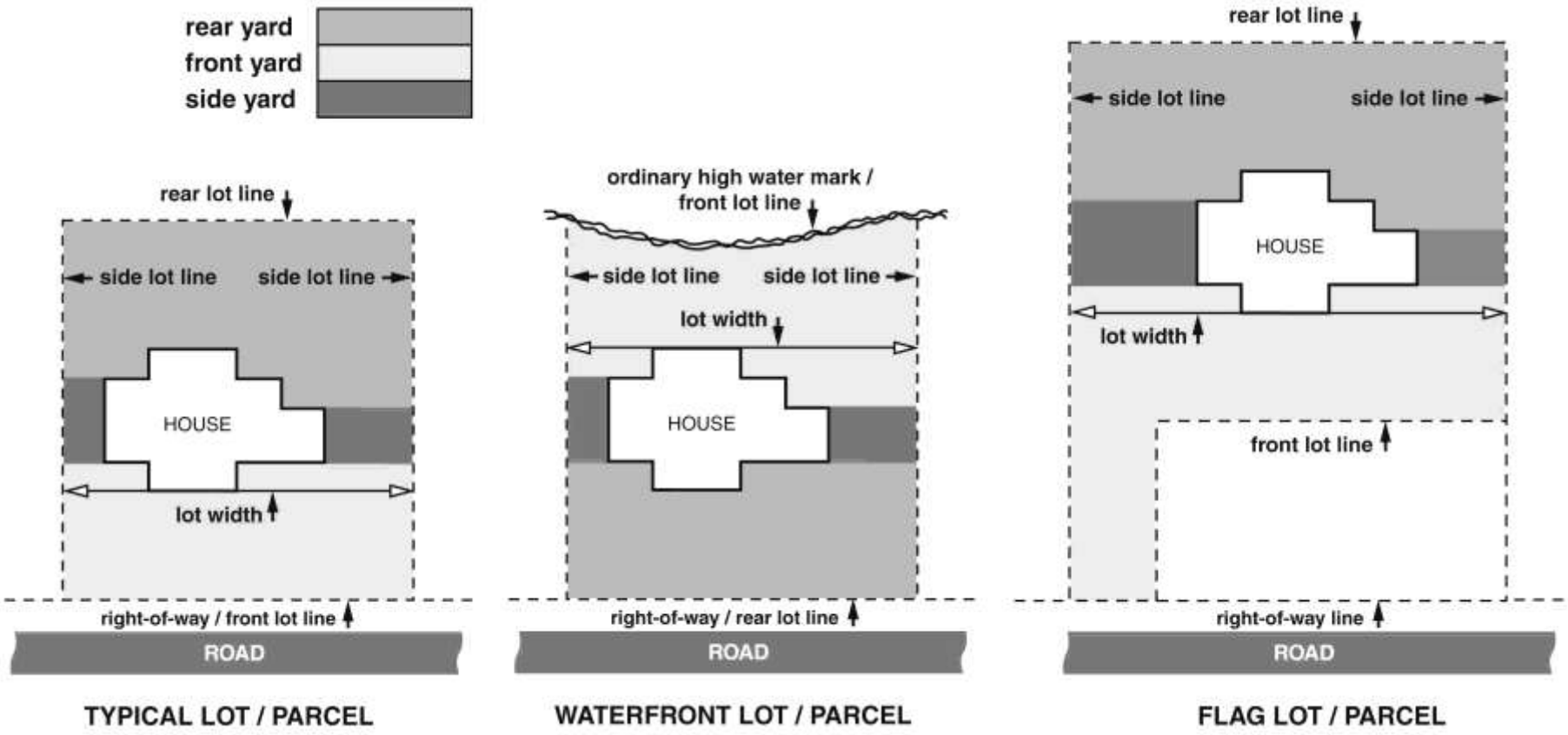


**Figure 26-3**
**LOT LINES AND YARDS**



**End of Article 26**

# Article 27
# ENACTMENT, REPEALER, EFFECTIVE DATE, and CERTIFICATION

## Section 27.01 ORDINANCE ENACTED

This Zoning Ordinance is hereby enacted and adopted by the Marathon Township Board.

## Section 27.02 REPEAL of ORDINANCE NO. 100

The Township Board repeals Ordinance No. 100, being the existing Marathon Township Zoning Ordinance, effective the Effective Date of this Ordinance.

## Section 27.03 EFFECTIVE DATE

This Ordinance is effective eight (8) days following publication of a notice of adoption as provided by law.

## Section 27.04 CERTIFICATION

The undersigned Clerk of the Township of Marathon hereby certifies that this Ordinance was duly adopted by the Marathon Township Board at a meeting held on the 14th day of March, 2019, and that a notice of adoption was published in the Lapeer Area View on the 28th day of March, 2019.

_____

Dawn Johnson, Marathon Township Clerk Date

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**End of Article 27**