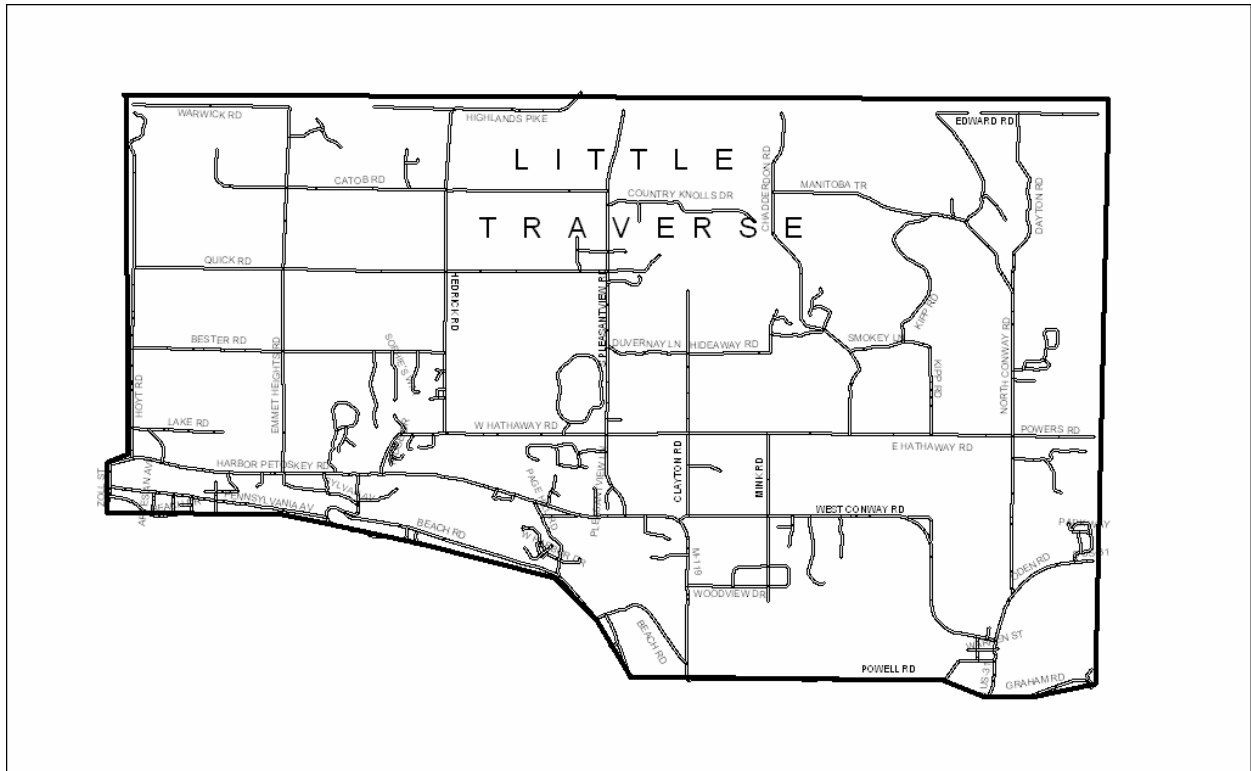


Zoning Ordinance

Little Traverse Township



Adopted:
By the Little Traverse Township Board
June 14, 1975

TABLE OF CONTENTS

<u>ITEM</u>	<u>PAGE</u>
TITLE.....	4
PREAMBLE.....	4
ENACTING CLAUSE.....	4
ARTICLE I SHORT TITLE.....	4
ARTICLE II DEFINITIONS.....	5
ARTICLE III ZONING DISTRICTS AND MAP.....	14
SECTION 300. DISTRICTS.....	14
SECTION 301. BOUNDARIES.....	14
SECTION 302. DISTRICT REQUIREMENTS.....	14
SECTION 303. AREA AND BULK REQUIREMENTS FOR DISTRICTS.....	14
SECTION 304. ACCESSORY USES ASSUMED.....	14
ARTICLE IV R-1 ONE FAMILY RESIDENTIAL DISTRICT.....	15
ARTICLE V R-2 GENERAL RESIDENTIAL DISTRICT.....	17
ARTICLE V-A R-3 CLUSTER HOUSING SERVICE DISTRICT.....	18
ARTICLE VI RR RECREATION RESIDENTIAL DISTRICT.....	20
ARTICLE VII FF-1 AND FF-2 FARM AND FOREST.....	21
ARTICLE VIII B-1 LOCAL TOURIST BUSINESS DISTRICT.....	23
ARTICLE IX B-2 GENERAL BUSINESS DISTRICT.....	24
ARTICLE X I-1 LIGHT INDUSTRIAL DISTRICT.....	27
ARTICLE X-A I-2 GENERAL INDUSTRIAL DISTRICT.....	30
ARTICLE XI SCHEDULE OF REGULATIONS.....	32
SECTION 1100. LIMITING HEIGHT, BULK, DENSITY AND AREA BY LAND USE.....	32
ARTICLE XII SUBDIVISION OPEN SPACE PLAN.....	35
ARTICLE XIII GENERAL PROVISIONS.....	37
SECTION 1300. NONCONFORMITIES.....	37
SECTION 1301. ACCESSORY BUILDINGS.....	38
SECTION 1302. PARKING REQUIREMENTS.....	39

SECTION 1303. OFF-STREET LOADING AND UNLOADING.....	42
SECTION 1304. CONDITIONAL USES AND SPECIAL APPROVAL USE STANDARDS.....	42
SECTION 1305. CONDITIONAL USES AUTHORIZED BY SPECIAL PERMIT.....	43
SECTION 1306. SANITARY PROVISIONS-SEWAGE AND WATER FACILITIES.....	51
SECTION 1307. PLANT MATERIALS.....	51
SECTION 1308. SIGNS AND BILLBOARDS.....	53
ARTICLE XIV GENERAL EXCEPTIONS.....	55
SECTION 1400. AREA HEIGHT AND USE EXCEPTIONS.....	55
ARTICLE XV ADMINISTRATION.....	56
SECTION 1500. ENFORCEMENT.....	56
SECTION 1501. DUTIES OF ZONING ADMINISTRATOR.....	56
SECTION 1502. PLOT PLAN.....	56
SECTION 1503. ZONING PERMIT.....	57
SECTION 1504. FEES.....	57
SECTION 1505. INTERPRETATION.....	57
SECTION 1506. BOARD APPROVAL.....	58
SECTION 1507. CHANGES AND AMENDMENTS.....	58
SECTION 1508. SITE PLAN REVIEW.....	58
SECTION 1509. VIOLATIONS AND PENALTIES.....	61
ARTICLE XVI BOARD OF APPEALS.....	62
SECTION 1600. CREATION AND MEMBERSHIP.....	62
SECTION 1601. MEETINGS.....	62
SECTION 1602. APPEAL.....	63
SECTION 1603. STAY.....	63
SECTION 1604. JURISDICTION.....	63
SECTION 1605. EXERCISING POWERS.....	65
SECTION 1606. NOTICE OF HEARING.....	65
SECTION 1607. MISCELLANEOUS.....	65
ARTICLE XVII VESTED RIGHT.....	66
ARTICLE XVIII SEVERANCE CLAUSE.....	66
ARTICLE XIX CONFLICTING REGULATIONS.....	66
ARTICLE XX EFFECTIVE DATE.....	66
RESOLUTION OF ADOPTION.....	67
ARTICLE XXI DOD DUNE OVERLAY DISTRICT(added by 4-8-95 Amendment) .	DOD-1

**Township of Little Traverse
Zoning Ordinance
County of Emmet
State of Michigan**

TITLE

AN ORDINANCE enacted under Act 184, Public Acts of 1943, as amended, governing the unincorporated portions of Little Traverse Township, Emmet County, Michigan to regulate and restrict the location and use of buildings, structures and land for trade, industry, residence, and for public and semipublic or other specified uses; and to regulate and limit the height and bulk of buildings, and other structures; to regulate and determine the size of yards, and open spaces; to regulate and limit the density of population; and for said purposes to divide the Township into districts and establishing the boundaries thereof; providing for changes in this Ordinance; defining certain terms; providing for enforcement; establishing a Board of Appeals; and imposing penalties for the violation of this Ordinance.

PREAMBLE

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

ENACTING CLAUSE

THE TOWNSHIP OF LITTLE TRAVERSE:

ARTICLE I- SHORT TITLE

SECTION 100. SHORT TITLE:

This Ordinance shall be known and may be cited as the Little Traverse Township Zoning Ordinance.

ARTICLE II- DEFINITIONS

SECTION 200. DEFINITIONS (FOR THE PURPOSE OF THIS ORDINANCE):

Accessory Use, or Accessory: An "accessory use" is a use which is clearly incidental to, customarily found in connection with and located on the same zoning lot as, the principal use to which it is related.

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

Apartments: A suite of rooms or a room in a multiple-family building arranged and intended for a place of residence of a single-family or a group of individuals living together as a single housekeeping unit.

Basement: That portion of a building which is partly or wholly below grade but so located that the vertical distance from the average grade to the floor is greater than the vertical distance from the average grade to the ceiling. A basement shall not be counted as a story.

Bed and Breakfast Establishment: A tourist housing accommodation where the resident owner of an existing, private single-family home offers overnight (transient) lodging and breakfasts for compensation to no more than six (6) persons, using no more than three (3) bedrooms in any one home. (added by 12-11-93 amendment)

Building: Any structure, either temporary or permanent, having a room supported by columns or walls, and intended for the shelter, or enclosure of persons, animals, chattels, or property of any kind.

Building Height: The vertical distance measured from the established grade to the highest point of the roof surface for flat roofs; to the deck line of mansard roofs; and to the average height between eaves and ridge for gable, hip, and terrain, the height may be measured from the average ground level of the grade at the building wall.

Building Line: A line formed by the face of the building. A minimum building line is the same as a front setback line.

Club: A non profit organization of persons for the promulgation of sports, arts, sciences, literature, politics, or the like.

Convalescent or Nursing Home: A structure with sleeping rooms where persons are housed and furnished with meals, nursing and medical care.

Cooking Facilities: Refer to Kitchen Facilities definition (amended 5-11-02)

Development: The construction of a new building or other structure, on a zoning lot, the relocation of existing building on another zoning lot, or the use of open land for a new use.

District: A portion of the unincorporated area of Little Traverse Township within which certain regulations and requirements or various combinations thereof apply under the provisions of this Ordinance.

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

Dwelling Unit: (eliminated by 5-11-02 amendment)

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

Dwelling, Multiple-Family: A building or a portion thereof, designed exclusively for occupancy by three (3) or more families living independently of each other.

Erected: Built, constructed, altered, reconstructed, move upon, or any physical operations on the premises which are required for construction, excavation, fill, drainage, and the like, shall be considered a part of erection.

Essential Services: The erection, construction, alteration or maintenance by public utilities or municipal departments of steam, fuel or water transmission or distribution system, collection, communication, supply or disposal systems, including towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm and police call boxes, traffic signals, hydrants and similar equipment in connection herewith, but not including buildings, which are necessary for the furnishing of adequate service by such utilities or municipal departments for the general health, safety, or welfare.

Excavation: Any breaking or ground, except common household gardening, ground care, and soil tilling related to agricultural production or tree plantations.

Family: One or two persons or parents, with their direct lineal descendants and adopted children (and including the domestic employees thereof) together with not more than two persons not so related, living together as a single housekeeping unit. Every additional group of two or less persons in a dwelling unit shall be considered a separate family.

Farm: Structures, facilities and lands for carrying on of any agricultural activity or the raising of livestock or small animals as a source of income. Farms include the general as well as the specialized (Furs, dairy, horses, fruits, vegetables, etc.) on sites of ten (10) acres or more. (amended 4-14-04)

Floor Area, Useable (For the purposes of computing parking): That area used for or intended to be used for the sale of merchandise or services, or for use to serve patrons, clients, or customers. Floor area used or intended to be used for the storage or processing of merchandise, hallways, or for utilities or sanitary facilities, shall be excluded for the computations of "Useable Floor Area". All floor levels shall be counted.

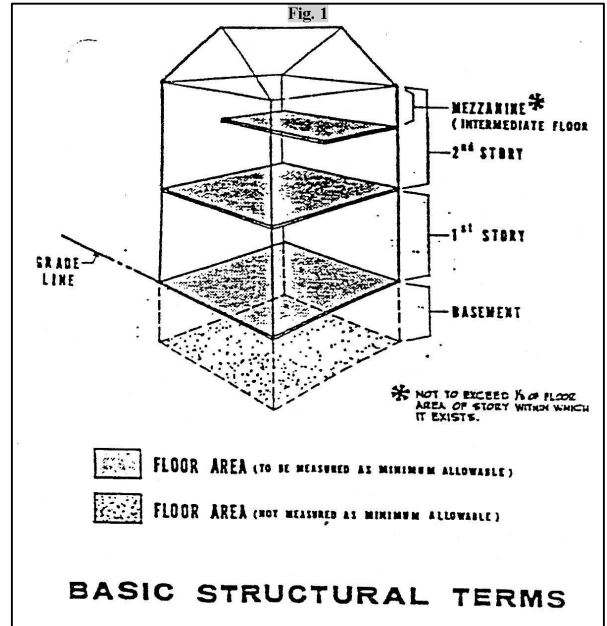
Garage, Private: Accessory building space designed or used solely for the storage of motor-driven vehicles, owned and used by the occupants of the building to which it is accessory.

Gasoline Service Station: A place primarily operated and designed for the dispensing, sale, or offering for sale of motor fuels directly to users of motor vehicles, together with the sale of minor accessories.

Grade: For the purpose of regulating the number of stories and the height of buildings, the building grade shall be the level of the ground adjacent to the walls of the building. If the ground is not level, the grade shall be determined by averaging the elevation of the ground for each face of the dwelling.

Guest Cottage: An accessory dwelling unit, with or without kitchen or cooking facilities, constructed and maintained for the convenience of housing guests visiting a premise occupied by a main residence. Occupancy of a guest cottage shall be of short duration and shall not include rental or leased dwelling space, as with tourist housing or apartments. Mobile homes, travel trailers, and motor homes shall not be used for guest cottages. (added by 5-11-02 amendment)

Home Occupation: A permissible accessory use of any residential premises by the occupant which may be carried on for gain, provided that the use does not take on the character of a business or industrial use in terms of signs, open storage, parking bays, visible display, traffic, noise, vibration, smoke, dust, odor, or other and/or similar nuisances: and further the activity does not conflict with or operate out of character with any surrounding or adjacent uses.



Junk Yard: An open area where waste, used or second hand materials are bought and sold, exchanged, stored, baled, packed, disassembled, or handled including but not limited to scrap iron and other metals, paper, rags, rubber tires, and bottles. A "Junk Yard" includes automobile wrecking yards and includes any keeping or abandonment of junk but does not include uses established entirely within enclosed buildings.

Kitchen or Cooking Facilities: Spaced designed and arranged to include all or some of the following food preparation facilities: cooking appliances, refrigeration, sinks, disposal, cabinetry (for food), utensils, tableware, and food preparation counters and/or spaces with utility installations designed/intended to support food preparation activities. (added by 5-11-02 amendment)

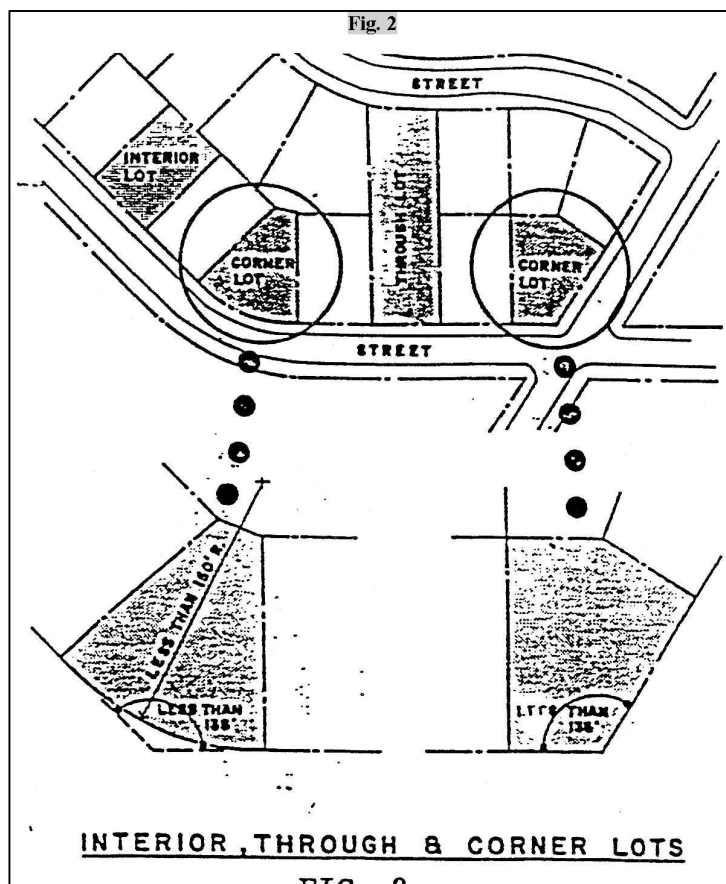
Hotel: (See definition "Motor Inn").

Kennel, Commercial: Any lot or premise on which three (3) or more household pets are either permanently or temporarily boarded, and/or where household pets are bred or sold.

Loading Space: An off-street space for the temporary parking of commercial vehicle while loading and unloading merchandise or materials.

Lot: A parcel of land occupied, or intended to be occupied, used or intended to be used. A lot may or may not be specifically designated such on public records.

Lot, Corner: A lot where interior angle of two adjacent sides at the intersection of two streets is less than one hundred and thirty-five degrees. A lot abutting curved street shall be considered a corner lot arc is of less radius one hundred fifty (150) feet and the tangents to the curve at the two points where lines meet the curve or straight street line extended, form an interior angle of less than one hundred thirty-five degrees.



be
lot
as
the
(135)
upon a
if the
than
feet
curve,
lot
the
than
(135)

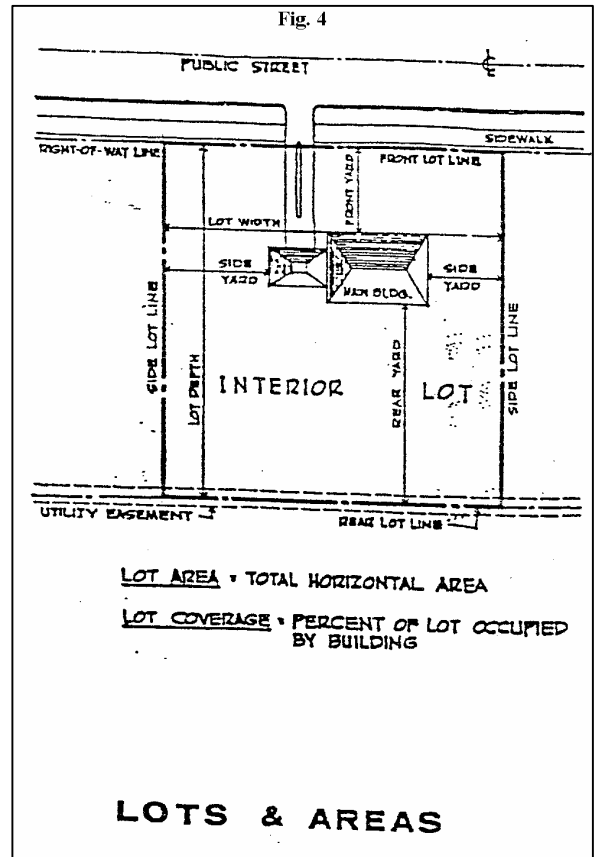
Lot, Zoning: A contiguous tract of land which at the time of filing for a Zoning Permit is designated by its owner or developer as a tract to be used, developed, or built upon as a unit, under single ownership or control. A Zoning lot may not coincide with a lot of record, but may include one or more lots of record.

Lot Coverage: That portion of the lot occupied by main and accessory buildings.

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

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

- a. Front Lot Line: Is that line which creates the abutting street right-of-way line.
- b. Rear Lot Line: That lot line opposite the front lot line. In the case of a lot pointed at the rear (pie shaped), the rear lot line shall be an imaginary line at least ten (10) feet long, parallel to the front lot line, but inside the side lot lines.
- c. Side Lot Line: Any lot line other than the front lot line or rear lot line.



Lot Width: The horizontal distance between the side lot lines, measured at the two points where the building line, or setback line intersects the side lot lines. Where side lot lines are essentially parallel, but are not radial or perpendicular to the street line, the lot width shall be measured along a line drawn perpendicular from the side lot line.

Main Building: A building in which is conducted the principal use of the lot upon which it is situated.

Main Use: The principal use to which the premises are devoted and the principal purpose for which the premises exist.

Master Plan: That portion of the Emmet county Comprehensive Plan pertaining to Little Traverse Township or separate Little Traverse Township Comprehensive Plan that may be prepared, and as may be amended or updated, including graphic and written proposals indicating the general location for streets, parks, schools, public buildings, and other physical development features.

Mobile Home: Any structure designed and pre-manufactured as a complete and transportable housing unit to be used as a place of residence for one family. Under the terms of this Ordinance, mobile homes are legally transportable over the highways but shall not include licensed travel trailers.

Mobile Home - Permanent: Mobile homes shall be considered "permanent" dwellings when the unit is mounted on a continuous masonry foundation, is securely anchored to the ground, is taxable as real estate on the local assessment roll, and meets the minimum floor area requirements for dwellings.

Mobile Home - Temporary: Any unit other than a travel trailer or permanent mobile home having no foundation: but which may be equipped with wheels or other devices for transporting from place to place.

Mobile Home or Trailer Park: Any plot of ground upon which two or more mobile homes or trailers, occupied for dwelling or sleeping purposes are located.

Motor Inn or Hotel: A building or part of a building with a common entrance or entrances in which the dwelling units or rooming units are used primarily for transient occupancy. The hotel or motor inn is distinguishable from a motel in that it is more than two (2) stories above the surface of the ground. A hotel or motor inn may contain a restaurant, cocktail lounge, and conference center facilities.

Non-conforming Building: A building or portion thereof lawfully existing at the effective date of this Ordinance, or amendments thereto, and that does not conform to the provisions of the Ordinance in the district in which it is located.

Nursery, Plant Materials : a space, building or structure, or combination thereof, for the storage of live trees, shrubs or plants offered for retail sale on the premises including products used for gardening or landscaping. The definition of nursery does not include space, used for the sale of fruits, vegetables, gifts, lawn furniture, and gardening or farm equipment.

Nuisance Factors: An offensive, annoying, unpleasant, or obnoxious thing or practice, a cause or source of annoyance, especially a continuing or repeating invasion of any physical characteristics of activity or use across a property line which can be perceived by, or affects a human being, or the generation of and excessive or concentrated movement of people or things, such as (a) noise, (b) dust, (c) smoke, (d) odor, (e) glare, (f) fumes, (g) flashes, (h) vibration, (i) heat, (j) electronic or atomic radiation, (k) objectionable effluent, (l) noise of congregation of people, particularly at night, and (m) passenger traffic.

Off Street Parking Lot: A parking area off the street, which may require drives and aisles for maneuvering, for the parking of four (4) or more vehicles.

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

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

Planning commission: Where used in this Ordinance shall be the official Little Traverse Township Planning Commission as duly created according to statute; and if not so created, shall be the Little Traverse Township Zoning Board as created by authority of the Township Rural Zoning Act (P.A. 184 of 1943 as amended).

Recreation Camps, Lodges, & Resorts: A recreational facility normally operated for gain, which provides overnight lodging and one or more of the following activities: golf, skiing, dude ranching, so called recreational farming, snowmobiling, pack trips, boating, and related. A resort has a minimum site of ten (10) acres.

Road Side Site: An accessory and temporary farm structure operated for the purpose of selling local agricultural products raised or produced by the proprietor and his employees on the same premises.

Room: for the purpose of determining lot area, requirements and density in a multiple-family district, a room is a living room, dining room, or bedroom, equal to at least (80) square feet in area. A room shall not include the area in kitchen, sanitary facilities, utility provisions, corridors, hallways, and storage.

Setback: The distance required to obtain front, side or rear yard open space provisions of this Ordinance.

Sign: The use of any words, numerals, figures, devices, designs, or

trademarks by which anything is made known such as are used to show and individual, firm, profession, or business, and are visible to the general public.

Sign Accessory: A sign which is accessory to the principal use of the premises.

Story: That part of a building, except a mezzanine and/or basement, between the surface of one floor and the surface of the next floor, or if there is no floor above, then the ceiling next above. A story shall not be counted as a story when more than fifty (50) percent, by cubic content, is below the grade level of the adjoining ground.

Story, Half: An uppermost story lying under a sloping roof having an area of at least two hundred (200) square feet with a clear height of seven feet six inches (7'6"). For the purposes of this Ordinance the useable floor area is only that area having at least four feet (4') clear height between floor and ceiling.

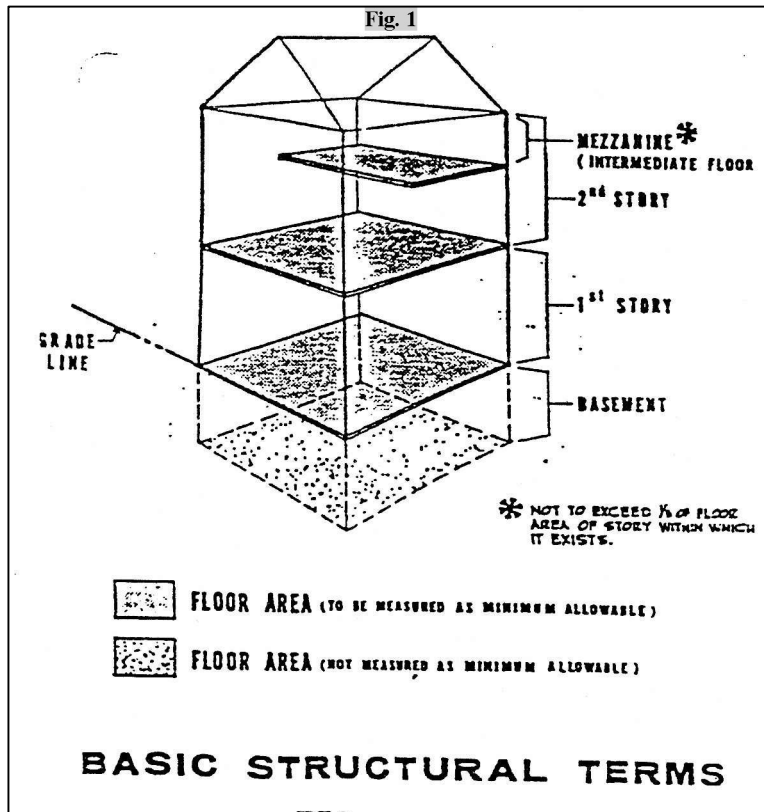
Street: A public dedicated right-of-way, affording the principal means of access to abutting property (excludes alleys).

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

Temporary Use of Building: A use or building permitted by the Board of Appeals to exist during periods of construction of the main building or use, or for special events.

Travel Trailer and Camper: Any trailer coach, motor home, tent camper, demountable camper or unit designed as a vacation unit for short-term seasonal occupancy, which measure eight (8) feet or less in width and designed to be operated on highways.

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



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

- a. Front Yard: An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the nearest point of the main building.
- b. Rear Yard: An open space extending the full width of the lot the depth of which is the minimum horizontal distance between the rear lot line and the nearest point of the main building. In the case of a corner lot, the rear yard may be opposite either street frontage.
- c. Side Yard: An open space between a main building and the side lot line, extending from the front yard to the rear yard, the width of which is the horizontal distance from the nearest point on the side lot line to the nearest point of the main building.

Zoning Exceptions and Variances:

- a. Exception: An exception is a use permitted only after review of an application by the Board of Appeals or a Commission other than the Administrative Officer, such review being necessary because the provisions of this Ordinance covering conditions, precedent or subsequent, are not precise enough to all application, without interpretation, and such review is required by this Ordinance.
- b. Variance: A modification of the literal provisions of the Zoning Ordinance would cause undue hardship owing to circumstances unique to the individual property on which the variance is granted.
- c. The exceptions that are found in this Ordinance appear as "special approval" uses by the Planning Commission, Legislative Body, or Board of Appeals. These land uses could not be conveniently allocated to one district or another, or the affects of such uses could not be definitely foreseen as of a given time because of one or more of the following:
 1. Large area,
 2. Infrequency,
 3. Unusual traffic volume,
 4. Obnoxious or hazardous character, or
 5. Necessity for public safety and convenience.

ARTICLE III - ZONING DISTRICTS AND MAP

SECTION 300. DISTRICTS:

For the purpose of this Ordinance, the Township of Little Traverse is hereby divided into the following districts:

- R-1 One Family Residential
- R-2 General Residential
- R-3 Cluster Housing Service District (added by 7-15-99 amendment)
- RR Recreational Residential
- B-1 Local Tourist Business
- B-2 General Business
- I-1 Light Industrial (added by 9-27-79 amendment)
- I-2 General Industrial (added by 9-27-79 amendment)
- FF-1 Farm and Forest
- FF-2 Farm and Forest

SECTION 301. BOUNDARIES:

The boundaries of these districts are hereby established as shown on the Township Zoning Map, which accompanies this Ordinance, and which map with all notations, reference, and other information shown thereon shall be as much a part this Ordinance as if fully described herein. If there are any questions as to the interpretation of District Boundaries the Board of Appeals shall determine same.

SECTION 302. DISTRICT REQUIREMENTS:

All buildings and uses in any district shall be subject to the provisions of General provisions and General Exceptions.

SECTION 303. AREA AND BULK REQUIREMENTS FOR ALL DISTRICTS:

For each District in this Ordinance, see also the ARTICLE "SCHEDULE OF REGULATIONS," limiting the height and bulk of buildings, the minimum size of lot permitted, the maximum density permitted and minimum yard requirements (setbacks).

SECTION 304. ACCESSORY USES ASSUMED:

For each district established in this Ordinance it shall be assumed that customary accessory buildings and uses which are incidental any Principal Uses or Principal Uses Permitted Subject to Special Conditions, are permissible as part of the main use.

ARTICLE IV R-1 ONE FAMILY RESIDENTIAL DISTRICT

PREAMBLE:

This residence district is designed to provide for one-family dwelling sites and the residential related uses in keeping with the Master Plan of residential development. The uses permitted are intended to promote a compatible arrangement of land uses for home, with the intent to keep residential area relatively quiet and free from detrimental use influences.

SECTION 400. PRINCIPAL USES PERMITTED:

No building or land shall be used and no building shall be erected except for one or more of the following specified uses:

1. One-family detached dwelling.
2. Farms and farmed lands.
3. Publicly owned recreational lands and facilities.
4. Churches.
5. Public and parochial, and private schools not operated for profit.

SECTION 401. PRINCIPAL USES PERMITTED SUBJECT TO SPECIAL CONDITIONS:

The following uses shall be permitted subject to the conditions herein imposed for each use, the Conditional Review Standards in Section 1304, and only after the review and approval of the Site Plan by the Planning Commission.

1. Utility and public service facilities and uses except open storage, when operating requirements necessitate the locating of said facilities within the district.
2. Public buildings (excluding public works garages and storage yards.)
3. Cemeteries when developed on sites of ten (10) acres or more.
4. Golf Courses and Country Clubs except mini-golf.
5. Non-public recreational areas and facilities when not operated for profit.
6. Nursery schools, day nurseries, and child care centers subject to hearing.
7. Funeral homes.

SECTION 402. ADDITIONAL REQUIREMENTS FOR DWELLING UNITS

The following performance standards shall apply to all housing constructed in or placed in the R-1 One-family Residential District, and shall be in addition to the requirements of other codes, ordinances or provisions of this Ordinance. These requirements are to assure a degree of structural compatibility between site built dwellings and pre-constructed or factory built housing intended for one (1) family occupancy. On-site construction modifications may be necessary and shall be permitted to attain the standards of compatibility.

1. The minimum building width across any front and any side elevation shall be twenty (20) feet on an unbroken building, excluding garages and accessory buildings.
2. Every detached dwelling unit shall provide useable accessory storage space in the amount of ten percent (10%) of gross floor area, but not less than 100 square feet of storage space. Basements, attics, closets, or separate accessory structures shall count as storage space.
3. Foundation supports shall extend below the prevailing frost line.
4. All roofs shall be designed, rated, constructed or overbuilt to achieve a live snow load of forty (40) lbs. per square foot.
5. Housing units moved onto any lot in the District shall have its wheels removed. Towing devices or hitches shall be removed or be totally obscured from view.
6. Modular or mobile home units shall not be structurally attached to one another or placed together unless specifically designed and engineered at the site of manufacture to be attached.
7. All factory assembled dwelling units constructed prior to June 15, 1976, shall not be placed on or moved upon a lot or parcel unless all minimum code requirements for site built housing are in compliance.

The requirements of paragraphs 1 through 7 of this Ordinance Section shall not apply to factory built housing or mobile home sites within legally established mobile home parks.

ARTICLE V R-2 GENERAL RESIDENTIAL DISTRICT

PREAMBLE:

The R-2 General Residential District is designed to provide for Multiple Family structures which may be necessary to meet the needs of the apartment dwelling. This District is further intended to be a transition use district.

SECTION 500. PRINCIPAL USES PERMITTED:

No building or land shall be used and no building shall be erected except for one or more of the following specified uses:

1. All principal uses and special approval uses permitted uses permitted and as regulated in the R-1 Districts.
2. Two-family dwellings.
3. Multiple family dwellings including housing for the elderly.

SECTION 501. PRINCIPAL USES PERMITTED SUBJECT TO SPECIAL CONDITIONS:

The following uses shall be permitted subject to the conditions herein imposed for each use, the Conditional Review Standards in Section 1304, and only after the review and approval of the Site Plan by the Planning Committee.

1. Rooming houses, apartment houses and group quarters, subject to County Health Department approval, and further that every room occupied for sleeping purposes shall contain at least 70 square feet of floor space for the first occupant and an additional 30 square feet for each additional occupant.
2. The following uses provided there is direct access to a County Primary of State Trunkline Highway, as opposed to a County local road as defined by the County Road Commission:
 - a. Motels, tourist homes, motor inns provided there is a minimum lot width of 150 feet.
 - b. Professional offices, clinics, and human care medical facilities, excluding animal hospitals and/or veterinarian clinics.
 - c. Museums, Fraternal lodge halls, sportsmen's associations, athletic clubs and related uses.
 - d. The personal services of hairdressers, barbers, tailors, dressmakers, and/or photographers.
 - e. Funeral homes.

ARTICLE V-A R-3 CLUSTER HOUSING SERVICE DISTRICT

(added by 7-15-99 amendment)

PREAMBLE/ INTENT:

The R-3 Cluster Housing Service District is designed to accommodate various types of group housing aimed primarily at populations requiring or benefiting from residential communities that offer transition housekeeping levels, ranging from independent living to full assisted and/or supervised care services.

SECTION 550. PRINCIPAL USES PERMITTED:

No building or land shall be used and no building shall be erected except for one or more of the following specified uses:

1. All principal and special approval uses permitted and as regulated in the R-1 One Family Residential District.

SECTION 551. PRINCIPAL USES PERMITTED SUBJECT TO SPECIAL CONDITIONS:

The following uses shall be permitted subject to the conditions herein imposed for each use, the Conditional Review Standards in Section 1304, and only after the review and approval of the Site Plan by the Planning Commission:

1. Non public recreation areas and facilities, when not operated for profit.
2. Nursing homes, convalescent homes, adult day care, and similar congregate care housing, services and facilities, provided:
 - a. The development establishes a minimum perimeter setback of at least fifty (50) feet on all sides, front, and rear, but at least two hundred (200) feet from any state highway, or county primary road. The setback area may contain non motorized trails and/or pathways, but shall not be used for off-street parking, maneuvering lanes or driveways. Drives, however, may pass through the setback area for appropriate and safe access.
 - b. Structure height and building spacing as stipulated for multiple family housing use in the R-2 District (see Sec. 1100, notes 3c and 3g).
3. Duplexes and detached single family living units when integral to a planned development service that meets the intent statement of this article, and:
 - a. Satisfies the permitted setback standards of item 2(a) above.
 - b. Meets the structure height and structure spacing standards of the R-2 District (See Section 1100, notes 3c and 3g).

4. Medical service, offices and facilities may be approved if shown to be a service that is integral to the intent of the development, provided that such services are accessory to the development and not open to passerby traffic.

SECTION 552. OTHER REQUIREMENTS

Unless the R-3 District site is used for R-1 One Family District uses (see Section 550); the density of development shall be regulated as follows:

1. No specific limit on the number of units, size of units, or room count.
2. Not more than 50% of the parcel may be covered by buildings, parking lots, driveways and/or service roads.
3. There is adequate useable open space for landscaping, gardens, siting parks, and similar beautification in addition to the perimeter setback areas.

SECTION 553. DESIGN STANDARDS MODIFICATION

Because of the special service intent with the R-3 District and the variable sites that may apply to uses permitted, the Township Planning Commission may approve modifications to the site development standards where it can be demonstrated to the Planning Commission by the applicant that no good or practical purpose would be attained by strict compliance.

ARTICLE VI RR-RECREATION RESIDENTIAL DISTRICT

PREAMBLE:

The Recreation Residential District is designed to accommodate cottage and seasonal home developments. It is intended that the seasonal home areas be reasonably homogeneous by discouraging the mixing of recreation home areas with commercial resorts, business services, and major institutional or community services.

SECTION 600. PRINCIPAL USES PERMITTED:

No building or land shall be used and no building shall be erected except for one or more of the following specified uses:

1. Cottages and recreation homes.
2. One-family detached dwellings.
3. Public parks, parkways, scenic trails, playgrounds, recreation lands, and forests, including accessory shelters and apparatus.
4. Authentic historical restoration or renovation projects including historic communities, archeological excavations and displays of historical artifacts related to premises.
5. ~~Farms and farm lands.~~ (deleted by 4-14-04 amendment)

SECTION 601. PRINCIPAL USES PERMITTED SUBJECT TO SPECIAL CONDITIONS

The following uses shall be permitted subject to the conditions herein imposed for each use, the Conditional Review Standards in Section 1304, and only after the review and approval of the Site Plan by the Planning Commission.

1. Utility and public service facilities as regulated in the R-1 District.
2. Boat Launching pads, and minor accessory facilities other than marinas and enclosed storage buildings.
3. Golf Courses and Country Clubs as regulated in the R-1 District.
4. Private and semi-private recreation lands, not operated for profit, when in the character of public recreational lands.

SECTION 602. ADDITIONAL REQUIREMENTS FOR DWELLING UNITS:

All dwelling units constructed in the RR-Recreation Residential District shall comply with the ADDITIONAL REQUIREMENTS FOR DWELLING UNITS in the R-1 District as stated under Section 402.

ARTICLE VII FF-1 AND FF-2 FARM AND FOREST DISTRICTS

PREAMBLE:

The FF-Farm and Forest Districts are designed to promote the use of wooded and rural areas in a manner that will retain the basic attractiveness of natural resources, and provide enjoyment for both visitors, and the community at large. The intent of the District is to hold rural areas for agriculture and forestry purposes, and to allow some multiple uses of marginal farm-forest lands.

SECTION 700. PRINCIPAL USES PERMITTED:

No building shall be erected except for one or more of the following specified uses:

1. One-family detached dwelling provided that the use has direct access to a public street or thoroughfare, fully maintained twelve (12) months of the year.
2. Hunting and fishing cabins, trapper's cabins, summer homes and/or vacation cottages, including temporary mobile homes.
3. Temporary mobile homes or travel trailers maintained in sound running condition with a current vehicle license, provided occupancy is limited to not more than thirty (30) days in any calendar year.
4. Farms and agricultural operations of all kinds.
5. Tree farms, forest production and forest harvesting operations including portable sawmills, log storage yards and related.
6. Golf Courses, Country Clubs, and Sportsmen Association or Clubs.
7. Public parks, playgrounds, recreational area, camping grounds, hunting grounds, fishing sites and wildlife preserves.
8. Utility and public service facilities and uses, including public buildings and institutional or educational.
9. Railroad uses.

SECTION 701. PRINCIPAL USES PERMITTED SUBJECT TO SPECIAL CONDITIONS:

The following uses shall be permitted subject to the conditions herein imposed for each use, the conditional Review Standards in Section 1304, and only after the review and approval of the Site Plan by the Planning Commission.

1. Private and semi-private recreation lands when not operated for profit, and when in the character of publicly owned and operated recreation areas, subject to Board of Appeals approval and hearing.
2. Resorts, resort motels, recreation farms, and vacation lodges, provided any use permitted herein shall be developed on sites no less than ten (10) acres in area, with a minimum property width of 600 feet.
3. Airports and landing fields subject to the Board of Appeals approval and a hearing, with appurtenant facilities, provided the operating characteristics do not conflict with wildlife habitat areas, wilderness areas, housing areas, and facilities or uses having high concentrations of people (schools, hospitals, etc.).
4. Portable roadside stands for the sale of agricultural products raised on the premises when properly established with respect to vehicle access and parking off the street.
5. Forest industries, including sawmills, planing mills, veneer mills and related operations when approved by the Board of Appeals, and further that:
 - a. The use is an extension or expansion of an existing operation, or is a tempore activity necessary to current logging operations.
 - b. There are no nuisances imposed upon tourist service facilities or outdoor recreation uses in the immediate vicinity.
 - c. The site of the proposed use encompasses and area of at least five (5) acres.

ARTICLE VIII B-1- LOCAL -TOURIST BUSINESS DISTRICT

PREAMBLE:

The B-1 Local Business District establishes a Business District that is more selective than a General Business District. It provides for the establishment of neighborhood shopping areas, personal services, and professional office areas that are compatible with and of service to residential uses. Tourist services are included as being in character with the District.

SECTION 800. PRINCIPAL USES PERMITTED:

No building or land shall be used and no building shall be erected except for one or more of the following specified uses:

1. Office buildings for any of the following occupations: executive, administrative, professional, governmental and sales offices.
2. Medical and dental offices, including clinics.
3. Banks and financial institutions.
4. Any generally recognized retail business which supplies such commodities as: groceries, meats, dairy products, baked goods, or other foods and beverages, hardware, drugs, dry goods, sporting goods, and sundries.
5. Supper clubs and nondrive-in restaurants.
6. Any personal service establishment which performs such services as, but not limited to: shoe repair, tailor shops, beauty parlors, barber shops, interior decorators, photographers, dry cleaners and self service laundries.
7. Churches, private clubs, and lodge halls.
8. Motels, cabin courts, tourist lodging facilities, gift shops, any museums, and any accessory residence occupied by the proprietor or manager.
9. Utility and public service facilities and uses when operating requirements necessitates the locating of said facilities within the District in order to serve the immediate vicinity.
10. Existing residences and/or residences structurally attached to or part of, a permitted business use.
11. Funeral homes.

SECTION 801. PRINCIPAL USES PERMITTED SUBJECT TO SPECIAL CONDITIONS:

The following uses shall be permitted subject to the conditions herein imposed for each uses, the Conditional Review Standards in Section 1304, and only after the review and approval of the Site Plan by the Planning Commission:

(This Section reserved for Special Condition Uses)

ARTICLE IX B-2 GENERAL BUSINESS DISTRICTS

PREAMBLE:

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

SECTION 900. PRINCIPAL USES PERMITTED:

No building or land shall be used and no building shall be erected except for one or more of the following specified uses:

1. All principal uses permitted in the B-1 Local-Tourist Business District.
2. Wholesale uses and storage uses when in a completely enclosed building.
3. Theaters, assembly halls and similar places of assembly.
4. Bottling works and food packaging.
5. Auto laundries when completely enclosed in a building.
6. Automobile, trailer, mobile home, boat sales.
7. Restaurants and taverns.
8. Hotels.
9. Bowling alleys, pool or billiard parlor or club.
10. Commercial printing or private schools operated for profit.
11. Business schools or private schools operated for profit.
12. Offices and show rooms of plumbers, electricians, decorator or similar trades. The ground floor premises facing upon, and visible from any abutting street, shall be used only for entrances, offices or display. All storage material or any incidental repair shall be within the confines of enclosed buildings or otherwise obscured from view from adjacent premises.
13. Uses similar in character to the above listed uses.

SECTION 901. PRINCIPAL USES PERMITTED SUBJECT TO SPECIAL CONDITIONS:

The following uses shall be permitted subject to the conditions herein imposed for each use, the Conditional Review Standards in Section 1304, and only after the review and approval of the Site Plan by the Planning Commission.

1. Gasoline service stations and vehicle repair garages.
 - a. Major engine and body repair, steam cleaning and undercoating when conducted on the site shall be within a completely enclosed building. The storage of damaged or wrecked automobiles on the site shall be obscured from public view, and no vehicle of any kind shall be stored in the open for a period exceeding one (1) week.
 - b. Gasoline pumps, air and water hose stands and other appurtenances shall be set back not less than fifteen (15) feet from all street right-of-way lines.
2. Commercially used outdoor recreational space for children's amusement parks, carnivals, rebound tumbling facilities, miniature golf courses, and golf driving ranges, subject to Planning Commission approval and the following requirements:
 - a. Children's amusement facilities must be fenced on all sides with a minimum four feet and six inch (4'6") protective wall or fence.
 - b. All manufacturers' specifications for safety are complied with as well as any additional safety measures than may be prescribed by the Board of Appeals.
 - c. When discontinued or abandoned, the site shall be left in a re-usable condition, free of hazards, related to dangerous structures, pits, pools, excavations, electric circuits, and similar features.
3. Lumber Yards and Building Materials.

Lumber yards dealing primarily in pre-planed or finished lumber for wholesale or retail markets, and including other building materials, along with accessory hardware, plumbing, and electrical supplies and/or equipment, provided:

 - a. The site is of a configuration as to be compatible with adjoining uses, having at least 200 feet of frontage on a public road.
 - b. Accessory outdoor storage shall be effectively obscured from public view by fences, greenbelts, structures, and/or other devices as approved by the Planning Commission.

- c. Storage uses, buildings and parking lots shall provide a minimum setback of 25 feet from all side and rear property lines to afford transition space for storm water, snow storage, and/or landscaped buffers. The Zoning Board may require more setback if they deem necessary, to provide for storm water run off protection of adjacent properties.
- d. The display of model homes, trusses, garages, storage sheds, etc. shall only be allowable upon Planning Commission approval of specific locations on the site, and may be prohibited where site characteristics and adjoining uses would be incompatible with such display.

Building material centers may include incidental operations involving fabrication and processing within limits set forth on an approved Site Plan.

4. CONTRACTOR'S OFFICES AND LIMITED EQUIPMENT YARDS

The offices and yards of building contractors, and or custom contracting services provided any yards or open storage areas meet the following performance standards.

- a) All zoning setback standards are observed in relation to parking vehicles or storing materials. For those yards which adjoin Zoning Districts other than business or industrial, the setback of the other shall apply.
- b) The general management of site uses and the character of property shall be in keeping with the other uses permitted in the district.
- c) Constructed visual screens shall be required along those property lines bordering Districts other than Business, Industrial, or where the Planning Commission determines that a visual screen is necessary to protect property values and for the aesthetic appeal of the township. Constructed screens include, but are not mounds, and/or natural wooded areas. Detailed plans for constructed screens shall be part of the site plan and the height of the screen shall be based on the nature of the site and the use, but need not exceed a height of eight (8) feet.
- d) The type of Machinery or equipment to be stored in the open shall be indicated on the site plan. It is intended that the site shall not be used to store or operate major pieces of equipment or machinery, including batch plants, crushers, hoppers, washers, pavers, cranes, gravel trains, and similar items. The site shall not be a sand, gravel, stone, storage yard or a mineral processing yard. Incidental stock piles of these materials may be permitted per site plan.
- e) The Planning Commission may modify or waive specific performance features required in this section where it can be demonstrated that no good purpose would be served by strict application of those standards.

ARTICLE X I-1 LIGHT INDUSTRIAL DISTRICT

SECTION 1000. INTENT

The I-1 Light Industrial District is designed to primarily accommodate wholesale activities, warehouses and industrial operations whose external physical effects are restricted to the area of the district and do not affect in a detrimental way any of the surrounding districts. The I-1 District is so structured as to permit, along with any specified uses, the manufacturing, compounding, processing, packaging, assembly and/or treatment of finished or semi-finished products from previously prepared material.

SECTION 1001. PRINCIPAL USES PERMITTED:

In an I-1 Light Industrial District, no building or land shall be used and no building shall be erected except for one or more of the following specified uses unless otherwise provided in this Ordinance:

1. B-2 District uses, provided the site has access features suitable for offering retail services to the public and does not disrupt the continuity of development in any planned industrial park, so called, or the use is accessory to the industrial activity.
2. Laboratories and any use involving the function of basic research, design and pilot or experimental product development when conducted within a completely enclosed building, but excluding high risk products involving, radiation, explosives and the like.
3. Any of the following uses when the manufacturing, compounding or processing is conducted wholly within a completely enclosed building. That portion of the land used for open storage facilities for materials or equipment used in the manufacturing, compounding or processing shall be effectively obscured by a wall, fence or greenbelt when adjoining a zoning district other than I or B Districts.
 - a. Warehousing, wholesale establishments, meat lockers and/or freezer plants.
 - b. The manufacture, compounding, processing, packaging or treatment of such products as but not limited to: bakery goods, candy, cosmetics, pharmaceuticals, toiletries, food products, hardware and cutlery, tool, die, gauge and machine shops.

- c. The manufacture, compounding, assembling or treatment of articles or merchandise from previously prepared materials: bone, canvas, cellophane, cloth, cork, elastomers, feathers, felt, fiber, fur, glass, hair, horn, leather, paper, plastics, rubber, precious or semi-precious metals or stones, sheet metal, shell, textiles, tobacco, wax, wire, wood and yarns.
 - d. The manufacture of pottery and figurines or other similar ceramic products using only previously pulverized clay and using kilns fired only by electricity or gas.
 - e. Manufacture or assembly of electrical appliances, electronic instruments and related products.
 - f. Manufacture of musical instruments, toys, novelties and metal or rubber stamps or other molded rubber products.
 - g. Manufacturing and repair of signs, light sheet metal products, including heating and ventilating equipment, cornices, eaves and the like.
 - h. Engine overhauling, vehicle body repair, undercoating and/or rust proofing when completely enclosed.
 - i. Central dry cleaning plants or laundries.
 - j. All public utilities, including buildings, necessary structures, storage yards and other related uses, except major electric generating plants.
- 4. Warehouse, storage and transfer and electric and gas service buildings and yards. Public utility buildings, telephone exchange buildings, electrical transformer stations and substations and gas regulator stations. Water supply and sewage disposal plants. Water and gas tank holders.
 - 5. Trade or industrial schools specializing in auto mechanics, engine repair and overhaul and uses with similar industrial type characteristics.
 - 6. Other uses of a similar and no more objectionable character to the above uses.
 - 7. Accessory buildings and uses customarily incident to any of the permitted uses.

SECTION 1002. PRINCIPAL USES PERMITTED SUBJECT TO SPECIAL CONDITIONS:

(This section reserved for future use).

SECTION 1003. REQUIRED CONDITIONS:

For all uses permitted Subject to Special Conditions and for any industrial uses, which in the opinion of the Zoning Administrator, would constitute a special nuisance or danger, because of the nature of the operation (fire, explosion, radiation, noise, air pollution, emissions and the like), the applicant for a permit may be required to submit certified statements that the proposed industrial use meets at least the minimum safety-health environmental standards prescribed by the state and/or federal standards pertaining to the specific use.

The extent of walls or fences in the I-1 District, where required, and for all uses Subject to Special Conditions as may be required by the Planning Commission, shall be determined by the Planning Commission. Fences or walls shall not be less than four feet six inches (4'6") in height, and may be required to be eight (8) feet in height. A chain link type fence, with heavy evergreen shrubbery inside of said fence, shall be considered to be an obscuring fence.

Whenever a proposed industrial uses borders any non-industrial or B-District, the minimum setback from the affected property line for industrial buildings shall be sixty (60) feet, and no parking lots, accessory storage, loading or service area shall be nearer than thirty (30) feet to the non-industrial (or B-District) property line.

The Planning Commission may waive, or modify, any wall, fence, greenbelt or special setback provision in the I-1 District, where in its determination no good or practical purpose would be served, including such reasons as large site area, natural isolation, land ownership patterns, natural barriers or screens and the like.

ARTICLE X-A I-2 GENERAL INDUSTRIAL DISTRICT

SECTION 1000A. INTENT

The General Industrial District is designed primarily for manufacturing, assembling, and fabrication activities including large scale or specialized industrial operations whose external physical effects will be felt to some degree by surrounding districts. The district is intended to permit the manufacturing, processing and compounding of semi-finished or finished products from raw materials as well as from previously prepared material.

SECTION 1001A. PRINCIPAL USES PERMITTED:

In a General Industrial District, no building or land shall be used and no building shall be erected except for one or more of the following specified uses unless otherwise provided in the Ordinance:

1. Any Principal Use Permitted in the I-1 District.

SECTION 1002A. PRINCIPAL USES PERMITTED SUBJECT TO SPECIAL CONDITIONS:

The following uses shall be permitted, subject to the conditions hereinafter imposed for each use and subject further to the review and approval of the Site Plan by the Planning Commission:

1. Any of the following production or manufacturing uses (not including storage of finished products) provided that they are located not less than eight hundred (800) feet distant from any Residential District and not less than three hundred (300) feet distant from any other district.
 - a. Incineration of garbage or refuse when conducted within an approved and enclosed incinerator plant (the non-pyrolysis type).
 - b. Blast furnace, steel furnace, blooming or rolling mill.
 - c. Manufacture of corrosive acid or alkali, cement, lime gypsum or plaster of paris.
 - d. Petroleum or other flammable liquids, production, refining or storage.
 - e. Smelting of copper, iron or zinc and foundries.

- f. Metal plating operations, provided that no acids, chromates or similar chemicals are discharged into systems in any manner that would endanger sewage treatment plant operations or constitute a hazard to the waters of Little Traverse Township (ground waters, lakes, streams and rivers).
 - g. Research laboratories and experimental operations not permitted in I-1 Districts.
 - h. Heating and electric power generating plants.
 - i. Packing plants and slaughter houses.
 - j. Trucking terminals and freight handling.
2. Any other use which shall be determined by the Planning Commission, to be the same general character as the above permitted uses in Section 1002A. The Planning Commission may impose any required setback and/or performance standards so as to insure public health, safety and general welfare.

SECTION 1003A. REQUIRED CONDITIONS:

The requirements of Section 1003, REQUIRED CONDITIONS shall also apply to this ARTICLE.

ARTICLE XI - SCHEDULE OF REGULATIONS

SECTION 1100. LIMITING HEIGHT, BULK, DENSITY AND AREA BY LAND USE:

<u>Use Districts</u>	<u>Minimum Size of Lot Per Dwelling Unit</u>		<u>Maximum Height of Structure</u> <u>in Ft.</u>	<u>Minimum Yard Setback Per Lot in Feet</u>				<u>Maximum Percent of Lot Coverage (Area of all Bldgs.)</u> ₂	<u>Minimum Floor Area in Square Feet</u> ₁
	<u>Area in Sq. Ft.</u>	<u>Width in Ft.</u>		<u>Front</u>	<u>Sides Least Total</u>		<u>Rear</u>		
					<u>One</u>	<u>for Two</u>			
R-1 One Family Residential	40,000	100	30 (g)	30	10	20	25	30%	1,000
R-2 General Residential	- (a) (d)	- (d)	30 (g)	30 (b)	20 (c)	40 (c)	35	35%	- (a)
R-3 Cluster Housing Service District	- (a) (d)	- (d)	30 (g)	50 ³	50	100	50		-
RR Recreation Residential	40,000	100	30 (g)	40	10 (b)	20	35	30%	1,000
B-1 Local Tourist Business	-	-	30 (g)	25 (f)	5 (e)	10 (e)	20	-	-
B-2 General Business	-	-	30 (g)	25 (f)	5 (e)	10 (e)	20	-	-
I-1 Light Indus.	-	-	30 (g)	30	10	20	20	-	-
I-2 General Indus.	-	-	30 (g)	30	10	20	20	-	-
FF-1 Farm & Forest	80,000	150	30 (g)	40	20 (b)	40	35	35%	600
FF-2 Farm & Forest	180,000	300	30 (g)	40	20	40	35	35%	600

NOTES TO ARTICLE XI- SCHEDULE OF REGULATIONS:

1. For permanent dwelling units and not tourist cabins, motels, or similar u
2. These provisions shall not apply to structures four (4) feet in height or less
3. Except as regulated under Article V-A

4. There shall be no more than one principal building and its permitted accessory structures locate on each lot in a residential district, except where multiple family buildings are permitted. (Added by 5-28-02 Amendment)
5. Guest Cottages must meet or exceed the minimum standards for a dwelling. Guest Cottages may be permitted in R-1, R-2 (as regulated in R-1), RR, R-3, FF-1 and FF-2 Districts, provided sufficient zoning lot area and setbacks can be provided so that the guest cottage can meet floor area, lot size and yard requirements of the District. (Added by 5-28-02 Amendment)
6. Bedrooms and bunk rooms are prohibited from occupying a detached accessory building or garage. (Added by 5-28-02 Amendment)
- a) Whenever apartments or multiple family dwellings are constructed the following minimum floor area and lot area standards shall be required for each dwelling unit by type:

Minimum Land Area Per		Minimum Floor Area Per	
Type of <u>Unit</u>	Dwelling, Excluding <u>Public Roads</u>	Net Density Per Acre	Unit in <u>Square Feet</u>
Efficiency	5,000 Sq. Ft.	8.71	250 Sq. Ft.
One Bedroom	5,000 Sq. Ft.	8.71	400 Sq. Ft.
Two Bedroom	7,400 Sq. Ft.	5.88	500 Sq. Ft.
Three Bedroom	9,000 Sq. Ft.	4.44	600 Sq. Ft.
Each Additional Bedroom	2,500 Sq. Ft.	--	150 Sq. Ft.

Notes:

1. A den or library shall count as a bedroom for purposed of this schedule.
 2. The minimum land area requirement by unit shall require approval by the County Health Department per standards necessary to maintain sanitary conditions.
- b) In case of a rear yard abutting a side yard of an adjacent lot, the side yards abutting a street shall not be less than the required front yard of that district.

- c) For the purpose of applying yard regulations, multiple dwellings shall be considered as one (1) lot. When more than one multiple dwelling building occupies one lot the two or more structures must be separated by at least 20 feet when end to end and fifty (50) feet when face to face or back to back for eight (8) feet for each story above the first two stories.
- d) Multiple family dwellings may be erected on a minimum lot size of twelve thousand (12,000) square feet, if the development complies with the County Health Code.
- e) Side yards may be omitted if walls abutting a side yard are of fireproof construction and wholly without openings or as otherwise specified in an applicable code. On the exterior side yard which borders on a residential district, there shall be provided a setback of not less than twenty (20) feet on the side abutting the Residential District.
- f) Parking may be permitted in the front yard, provide there is at least a ten (10) foot landscaped buffer area between the road right-of-way and the off-street parking lot.
- g) Subject to a Public Hearing and the conditions outlined in this Note, the Planning Commission may approve controlled height increases above the maximum in all districts without an upper limit. The conditions for approving taller structures are as follows:
1. It is determined by the Planning Commission that the added height will not significantly interfere with line-of-sight scenic views.
 2. The density of the use that exceeds the maximum limitations shall not exceed the maximum allowable under the permitted height as stated in the "SCHEDULE OF REGULATIONS".
 3. The percent of lot coverage for all buildings, parking lots, and other impervious construction surfaces, shall not exceed fifty (50%) percent.
 4. If applicable, the added height will retain or establish more open space areas for wildlife habitat, wetlands, woodlands, farmlands, shorelands, and other resource features or will involve the reconstruction, duplication or restoration of historic buildings as so recognized by local historical authorities.
 5. The applicant can demonstrate that the added height will result in more ground level open space through the lot toward the scenic view to compensate for higher structures or otherwise demonstrate to the Planning Commission that the added height will result in a better use of the premises from the standpoint of the arrangement of parking areas, buildings, open spaces and relationship to adjacent buildings and uses.

ARTICLE XII - SUBDIVISION OPEN SPACE PLAN

Subject to review and recommendation of the site plan, the Planning Commission may approve plans for open space preservation, natural resource conservation, and recreation in subdivisions for permanent or seasonal dwellings. It is the intent of this section to encourage the concept of "planned unit development" and cluster development so as to increase the interrelationship between open space resource areas and developments.

LAND CLUSTERING

In reviewing and approving the Open Space Subdivision Plan, the following requirements shall apply, as permitted modifications to the standards as outlined in the "SCHEDULE OF REGULATIONS:"

- a. Provided the densities stated in the "SCHEDULE OF REGULATIONS" ARE MAINTAINED (allow for the initial lot size reduction for utilities), the lots used for dwelling purposes may be reduced as stated in the following TABLE. Corresponding reductions in lot width may also be permitted, but no lot shall be less than 80 feet wide.

<u>TABLE: OPEN SPACE LOT VARIANCES</u>			
Minimum Lot Sizes By Available community Utilities			
<u>DISTRICTS</u>	<u>No Utilities- Health Department Approval Required</u>	<u>Water or Sewer Services</u>	<u>Both Water and Sewer Services</u>
R-1 and R-2	20,000	12,000	9,600
RR	30,000	12,000	9,600
FF-1 and FF-2	30,000	12,000	9,600

- b. Rear yards may be reduced to fifty (50) feet when such lots border on land dedicated for park, recreation, and/or open space purposes, provided that the dedicated land shall not be less than one hundred (100) feet across when measured at the point at which it abuts the rear yard of the adjacent lot.
- c. Under the provisions of this Section for each square foot of land gained within a subdivision through the reduction of lot size below the minimum requirements as outlined in the "SCHEDULE OF REGULATIONS", at least equal amounts of land shall be dedicated to the common use of the lot owners of the subdivision.

- d. The land area necessary to meet the minimum requirements of this section shall be of a useable shape and dimension and further shall not include bodies of water, swamps or lands that normally would not be developable. The entire area may, however, be located in a flood plain.
- e. This plan, for reduced lot sizes, shall be permitted only if it is mutually agreeable to the Legislative Body and subdivider or developer.
- f. Under this planned unit approach, the developer or subdivider shall dedicate the total open space area (see item (a) above) at the time of filing of the final plat on all or any portion of the plat, and indicate the use on the Preliminary Plat.

BUILDING CLUSTERING

- a. Where cluster one-family dwelling are contemplated, certain side yards as approved by the Local Legislative Body, may be eliminated for the purpose of allowing a more efficient use of lands and structures, provided, full soundproof-fireproof party walls are used between any two dwelling units.
- b. In any R-1 , R-2, RR or FF District, the cluster housing developments which are in the character of multiple family dwellings, either of the condominium or rental type, may be permitted by the Township Board after a Public Hearing and after having received a site plan review recommendation from the Township Planning Commission, provided:
 - 1. The gross dwelling unit density shall not be greater than 15% over the maximum allowable for single family dwellings in the District/ R-2 Districts excepted.
 - 2. Common open space areas shall be dedicated as provided for in the Section, "Subdivision Open Space Plan."
 - 3. At least 90% of all units shall have two bedrooms or the equivalent in floor space.
 - 4. Dwelling structures shall not exceed the maximum height stated for each District in the "Schedule of Regulations."
 - 5. The development does not break up an established pattern or evolving pattern of any single family residential neighborhood or recreation home subdivision.
 - 6. The development involves a total area of at least forty (40) acres.

ARTICLE XIII - GENERAL PROVISIONS

SECTION 1300. NON-CONFORMITIES

1. Intent

It is recognized that there exists within the district established by this Ordinance or by amendments, lot structures, and uses of land, which were lawful before this Ordinance was passed or amended, which would be prohibited, or restricted under the terms of this Ordinance or future amendment.

It is the intent of this Ordinance to permit these non-conformities to continue until they are removed.

2. Board of Appeals Variance

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

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

3. Nonconforming lots

A permitted single-family dwelling and customary accessory building may be erected on any single lot on record at the effective date of adoption or amendment of this Ordinance, even though such lot may fail to meet the district requirements for area or width, or both. Yard dimensions and other requirements not involving area or width, or both shall conform to the regulations of the District in which such lot is located. Variance to yard requirements shall be obtained through the Board of Appeals.

4. Nonconforming Use of Land and/or Structures

- a. No conforming use of land shall be enlarged or increased nor extended to occupy a greater area of land than was occupied at the effective date.
- b. No such nonconforming use of land or building shall be moved in whole or part to any other portion of the lot or parcel occupied.
- c. No such nonconforming structure may be enlarged or altered in a way which increases its nonconformity.

- d. Should such structure be destroyed by any means to an extent of more than eighty (80) percent of the useable cubic space or floor area of the principal structure, it shall not be reconstructed to a greater size or greater capacity than the original structure except in conformity with the provisions of this Ordinance.
- e. Any nonconforming use may be carried on throughout any parts of a building which were manifestly arranged or designed for such use, but no such use shall be extended to occupy any land outside such building.
- f. Any nonconforming use of a structure, land or structure and land, may be changed to another nonconforming use provided that the proposed use is equally or more appropriate to the district than the existing nonconforming use.
- g. 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. Changes in tenancy and ownership of nonconforming premises are permissible.
- h. When nonconforming use of land, structure or structure and land in combination, is discontinued or ceases to exist for twelve (12) consecutive months, the use of structure and premises in combination, shall not thereafter be used except in conformance with the regulations of the district in which it is located.

5. Repairs and maintenance

Nothing in this Ordinance 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.

6. Uses Under Exception Provisions Not Nonconforming Uses

Any use for which a general exception or special condition is permitted as provided in this Ordinance shall not be deemed a nonconforming use, but shall without further action be deemed a conforming use in such district.

SECTION 1301. ACCESSORY BUILDINGS

Accessory buildings, except as otherwise permitted in this Ordinance shall be subject to the yard and setback requirements applicable to main buildings, except that accessory residential buildings may be constructed not nearer than ten (10) feet to a lot line in the rear yard.

SECTION 1302. PARKING REQUIREMENTS

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

1. Off-street parking for other than residential uses shall be either on the same lot or within four hundred (400) feet of the building it is intended to serve, measured from the nearest point of the building to the nearest point of the off-street parking lot.
2. Any area once designated as required off-street parking spaces where operating hours of uses do not overlap, the Board of Appeals may grant an exception by reducing the total number of spaces required. Any area once designated as required off-street parking shall not be changed to any other use unless and until equal facilities are provided elsewhere.
3. In the instance of dual function of off-street parking spaces where operating hours of uses do not overlap, the Board of Appeals may grant an exception by reducing the total number of spaces required.
4. The storage of merchandise, motor vehicles for sale, truck, or the repair of vehicles is prohibited on required off-street parking lots.
5. Residential off-street parking spaces shall consist of a driveway, parking strip, parking bay, garage carport or combinations thereof.
6. For those uses not specifically mentioned, the requirements for off-street parking facilities shall be in accord with a use which the Board of Appeals considers as being similar in type.
7. For the purpose of computing the number of parking spaces required, the definition of USEABLE AREA shall govern.
8. The minimum number of off-street parking spaces by use shall be in accordance with the following schedule:

<u>LAND USE</u>	<u>MINIMUM PARKING SPACES REQUIRED PER UNIT OF MEASURE</u>
<u>Residential:</u>	
Dwellings	2 per dwelling
Elderly Housing	1 per 2 units
Rooming House	1 per 2 occupants of maximum capacity
Fraternity or Sorority	1 per 2 beds or 1 per 5 active members, whichever is greater
Trailer court	2 per unit
<u>Institutional & Public</u>	
Church or Temple	1 per 3 seats or each 6 feet of pew
Hospital	1 per bed
Nursing Home	1 per 2 beds
Nursery, Elementary or Jr. High School	1 per employee
Senior High School	1 per employee plus 1 per 10 students
Membership Clubs	1 per 3 persons of legal capacity
Golf, Swim, or Tennis Club	1 per 2 member families
Public Golf Course	6 per green or golf hole plus 1 per employee
Par 3 and/or Mini Golf	2 per hole or green plus one (1) per employee in the largest shift (amended 5-28-02)
Sport Arena or Stadium	1 per 3 seats or 1 per 6 feet of bench plus one (1) per employee in the largest shift (amended 5-28-02)
Theater or Auditorium	1 per 3 seats or 1 per 3 persons of legal capacity plus one (1) per employee in the largest shift (amended 5-28-02)
<u>COMMERCIAL</u>	
Planned shopping center	1 per 100 square feet of floor area

<u>LAND USE</u>	<u>MINIMUM PARKING SPACES REQUIRED PER UNIT OF MEASURE</u>
Auto-wash Automatic	1 per employee, plus 2 per 20 feet of wash line
Auto Wash-Self Serve	5 per wash stall plus the wash stall
Barber or Beauty Shop	1 per employee plus 1 per service chair
Dance Hall, rinks or assembly building (no fixed seats)	1 per 3 persons of legal capacity plus one (1) per employee in the largest shift (amended 5-28-02)
Banks	1 per 100 Sq. ft. of floor area plus one (1) per employee in the largest shift (amended 5-28-02)
Doctor or Dentist (amended 5-28-02)	1 per 50 Sq. ft. of waiting room plus 1 per service chair plus one (1) per employee in the largest shift
Business Offices	1 per 200 Sq. ft. plus one (1) per employee in the largest shift (amended 5-28-02)
Billiard Hall	2 per game table plus one (1) per employee in the largest shift (amended 5-28-02)
Taverns	1 per 50 sq.ft. of floor area plus one (1) per employee in the largest shift (amended 5-28-02)
Restaurants	1 per 3 persons of seating capacity, plus auto stalls if drive-in type plus one (1) per employee in the largest shift (amended 5-28-02)
Furniture, appliances, Plumber, electricians, minor repair services	1 per 800 sq. ft. of floor area
Gasoline Station	2 per service stall, plus 1 per employee
Laundromat	1 per 3 machines for washing plus one (1) per employee in the largest shift (amended 5-28-02)
Funeral Home Mortuary	1 per 50 sq.ft. of slumber room

<u>LAND USE</u>	<u>MINIMUM PARKING SPACES REQUIRED PER UNIT OF MEASURE</u>
Hotel or Motel	1 per rental unit, plus 1 per employee
Retail Groceries	1 per 100 sq. ft. of floor area
Other retail stores	1 per 150 sq.ft. of floor area
<u>Industrial:</u>	
Welding Shop	2 per employee
Industrial Office or Research	1 1/2 spaces per employee
Warehouse & Wholesale	1 per employee
<u>NOTES</u>	
a. Sq. ft. refers to square feet of "useable" floor area. b. 1 per unit of measure, shall be interpreted to mean 1 per each unit, as 1 per "each" 3 persons. c. Space requirements are cumulative; hence, a country club may require parking for the golf use as well as restaurant or bar use. d. Employees refer to all permanent staff and part time equivalents. e. Legal capacity is the occupancy load as permitted by fire or health stds. f. The minimum width of each off-street parking space shall be ten (10) feet. (amended 5-28-02)	

SECTION 1303. OFF-STREET LOADING AND UNLOADING:

On the same premises with every building, structure or part thereof, involving the receipt or distribution of vehicles or materials or merchandise, there shall be provided and maintained on the lot, space for standing, loading, and unloading in order to avoid undue interference with public use of dedicated street or alleys.

SECTION 1304. CONDITIONAL USE AND APPROVAL USE REVIEW STANDARDS:

In reviewing all requests for Principal Uses Subject to Special Conditions and Conditional Uses Authorized by Special Permit, the Board of Appeals, Zoning Administrator, or the Planning Commission shall require compliance with any of the following as may reasonably apply to the particular use under consideration:

1. Non detrimental impact upon the surrounding uses in the District, particularly as related to traffic generating potential, servicing by trucks, hours of operation, and pedestrian traffic.

2. Site size to accommodate the use, its future expansion, customary accessory uses, and on site services (sewage disposal and water supply).
3. Impact of the proposed use on the quality and quantity of water resources, domestic water supplies; and capacity to absorb the anticipate sewage disposal demand.
4. Entrance drives to the use and off-street parking areas shall be no less than twenty-five (25) feet from a street intersection (measured from the road right-of-way) or from the boundary of different Zoning District.
5. Protective and adequate fencing shall be required around all outdoor swimming pools, and shall no be less than four (4) feet, six (6) inches above the established grade.
6. Suitability of access to the use, assuring that minor residential streets are not used to serve uses that have larger area-wide patronage.
7. Allowance is made for vehicles to enter and exit the use safely and no visibility impediments to drivers are created by signs, buildings, land uses, plantings, etc.
8. Screening fences, greenbelts, or similar functional devices may be required around all open storage areas where it is determined that said storage area would have and unsightly influence on any public street or adjoining property.

SECTION 1305. CONDITIONAL USES AUTHORIZED BY SPECIAL PERMIT:

In every case the uses hereinafter referred to shall be prohibited from any district not specifically listed. These uses require special consideration since they may service large areas, require sizeable land areas and/or may create problems of control with reference to abutting use districts.

1. OUTDOOR THEATERS

- Outdoor theaters shall be permitted in B-2 Districts and I Districts, upon approval by the Planning Commission after a hearing. Outdoor theaters shall further be subject to the following:
- a. Points of ingress and egress shall be from streets and roads capable of serving the use, but shall not impair the use of abutting properties, especially residential uses.
 - b. All vehicles, waiting or standing to enter the facility, shall be provided off-street waiting space.
 - c. The area shall be so laid out as to prevent the movie screen from being viewed from residential areas or adjacent major thoroughfares.

2. COMMERCIAL TELEVISION AND RADIO TOWERS AND PUBLIC UTILITY MICROWAVES, AND PUBLIC UTILITY T.V. TRANSMITTING TOWERS AND WIND TURBINE GENERATORS. (Amended 5-28-02)

Radio, television and cell towers, public utility microwaves and public utility T.V. transmitting towers, and wind turbine generators may be permitted by the Planning Commission in B-2, I and FF Districts after a hearing, provided said use shall be located centrally on continuous parcel of not less than one (1) times the height of the tower and tower and blades measured from the base of said tower to all points on each property line.

Any private or individual televisions-radio reception tower, other transmitting-receiving devices, or wind turbine generator shall be so constructed and placed that there is no danger of structures falling on adjacent properties or off premises electric lines, and further the operation of any such facilities shall not interfere with normal radio, television, or cell phone reception in the area.

3. RACE TRACKS (INCLUDING AUTO, CARTING AND SNOWMOBILE TRACKS)

Because race tracks develop a concentration of vehicular traffic, and cause noise levels which project beyond the property, race tracks shall be permitted in the I and B-2 Districts subject to the following conditions and such other controls as the Planning Commission after holding a Hearing deems necessary to promote health, safety, and general welfare in the County.

- a. All parking shall be provided as off-street parking within the boundaries of the development.
- b. All access to the parking areas shall be provided from major traveled roads. Approval of ingress and egress points by the police or sheriff authority having jurisdiction in the community.
- c. All sides of the development except access points shall be provided with a twenty (20) feet wide greenbelt planting so as to screen from view all activities within the development.

4. RIDING ACADEMIES OR STABLES

Commercial facilities for horseback riding may be allowed in the B-2, FF and I Districts, subject to the review and approval of the Planning Commission, who shall find that animal housing facilities are located at least 300 feet from any of premises residential structure. Riding facilities in R-1 and RR Districts may be allowed on farms, or on a temporary permit basis, subject to a finding by the Planning Commission, that there is protection for developing residential uses including seasonal home areas.

5. RECREATION CAMPS, RECREATION LODGES, AND RESORTS

Recreation camps, recreation lodges, and resorts when operated for a profit may be permitted to locate in RR Districts by the Planning Commission, provided the following conditions are met:

- a. The use is established on a minimum site area of forty (40) acres.
- b. All outdoor activity areas, parking lots, main buildings and accessory building are located at least 100 feet from the property lines. The resulting 100 foot yards shall be maintained as a buffer area wherein all natural tree-shrub cover is retained in a healthful growing condition. Planting greenbelts may be required by the Planning Commission, as deemed necessary.
- c. The use does not locate within the confines of a platted subdivision intended for single residential occupancy, or parcels which are deemed by the Planning Commission to be logical extension of such a platted area.

6. MOBILE HOME OR TRAILER COURTS

Mobile Home courts intended, for residential occupancy may be permitted in R-2, B-1, B-2 and I Districts when planned as a transition use after a Hearing by the Planning Commission; provided, the following conditions are satisfied:

- a. Trailer or mobile home courts for the parking of two (2) or more trailers shall be developed pursuant to the requirements of Act 243 of the Public Acts of the State of Michigan 1959, as amended.
- b. The land parcel being proposed for Trailer Courts shall be of such area as to provide for a minimum of at least twenty (20) trailer coach sites and shall to exceed a maximum of one hundred (100) trailer coach sites.
- c. Mobile home sites shall contain a minimum area of at least thirty-five hundred (3,500) square feet. All such trailer site areas shall be computed exclusive of service drives, facilities and recreation space.
- d. A wall, greenbelt, or obscuring fence four feet and six inches (4'6") in height shall be provided on all sides of the trailer court, with the exception of that portion providing ingress and egress to the site.
- e. Fences when provided around trailer lots shall not exceed thirty (30) inches in height.

f. Recreation space and landscaping as follows:

1. There shall be provided an area of not less than one hundred (100) square feet for recreation, for each trailer space in the trailer park, with a minimum area of not less than five thousand (5,000) square feet, which shall be no longer than two times its width. Such area shall be developed and maintained by the management so as to provide healthful recreation for the children housed in the mobile home park.

7. INDIVIDUAL MOBILE HOMES

Mobile homes may be used for dwellings in an R-2, FF-1 or FF-2 Districts, provided:

1. A complete masonry foundation as approved by the Michigan Construction Code, shall be poured or constructed in an approved place before the mobile home may be moved onto the site and foundation. The mobile home shall be securely anchored to the masonry foundation.
2. Each mobile home unit shall be equipped with metal or masonry skirting as approved by the Zoning Administrator or Building Inspector as applicable.
3. Any structural additions to a mobile home shall be constructed so as to be totally self supporting (foundations, bearing walls, roofs, etc.), and shall not cover any exterior kitchen, bathroom, bedroom, or living room window of a mobile home. The inner partition wall between the mobile home and the addition shall be covered with a minimum of 1/2" gypsum board or other approved fire wall material.

Any mobile home to be used as an individual residence, shall meet at least the minimum standards set forth in the rules governing the body and frame design and construction requirements, and installation of plumbing, heating, and electrical systems in mobile homes, contained in the standards for mobile homes, by the National Fire Protection Association) No. 501 B-1973) and ANSI (Rules No. A 119.1- 1974) referenced in Section 6, P.A. 230 of the Public Acts of Michigan. Mobile homes meeting these standards shall carry the approval seal of the State Of Michigan.

8. OTHER USES OF MOBILE HOMES AND TRAILERS

Mobile homes, travel trailers and motor homes may be used as follows:

- a. As temporary dwellings in R-2, FF-1, FF-2 Districts until the owner or occupant completes the construction or erection of a conventional housing unit for which a Building permit has been issued. The temporary dwelling may be included on the Building Permit, and shall be removed upon issuance of an Occupancy Permit for the main use.

- b. As a watchman's or caretaker's office in B-1, B-2, I-1 and I-2 Districts, but only as an accessory use to the main use of the premises.
- c. As a temporary contractors office and/or equipment shed in any district when in connection with a construction project authorized by Zoning and Building Permits.
- d. Other temporary uses of mobile homes, travel trailers or motor homes for a period not to exceed 24 months upon review and approval by the Planning Commission, provided it is determined that the use is consistent with the spirit and intent of the Zoning Ordinance and would not be detrimental to any surrounding uses or properties.
- e. The unoccupied storage of a motor home or travel trailer on any residential property by the owner thereof on his own property, shall be allowable as a Permitted accessory use of the premises where there is a main use, provided such storage is confined to the rear yard when the rear yard is accessible. If the rear yard is not accessible, then storage in the side yard is permissible, if no nuisances, hazards, or blocking of views is created for the adjoining property.

9. HOSPITALS AND NURSING HOMES

General hospitals, nursing and convalescent homes, medical care facilities and similar uses may be established in R-1 and RR Districts on sites of at least five (5) acres, subject to approval of the Planning Commission.

10. VETERINARIAN HOSPITALS AND KENNELS

May be permitted in B-2, I and FF Districts, provided all facilities for housing, treating and keeping of animals are located at least five-hundred (500) feet from a residential district boundary, and provided further that the location is approved by the Planning Commission and all animals on the premises shall be housed within a completely enclosed building between the hours of 10:00 P.M. and 8:00 A.M.

11. FENCES (GENERAL)

Fences designed to enclose property in any district shall be subject to the following conditions:

- a. Fences in any platted subdivision or lot of record shall not contain barbed wire or be electrified.
- b. No fence shall obscure the vision of drivers of vehicles at any driveway entrance or exit, street intersection or other pedestrian or vehicle property access point.

12. WALLS AND FENCES (PROTECTIVE AND SCREENING)

For nonresidential uses, except farms, which abut a permitted residential use, or which are adjacent to a Residential District boundary, there shall be provided and maintained fences or walls as required below. These requirements do not apply whenever the use, storage area, etc. is more than 200 feet from an adjacent residential district boundary.

<u>Specific Non-residential Uses requiring fences</u>	<u>Fence or Wall Height at the Property line</u>	<u>Primary Function (s) Screening Protective or Obscuring</u>	
Drive-in restaurants, gasoline stations & vehicle repair	6 feet	x	x
Institutional and Playgrounds	6 feet	x	
Parking lots accessory to nonresidential uses	6 feet		x
Hospital and funeral home service entrances	6 feet		x
Utility buildings and sub-stations	6 feet	x	
Junk Yards	8 feet	x	x
Open storage areas larger than 200 square feet	6 feet		x

All plans for fences or walls must be approved by the Zoning Administrator for the construction specifications and shall be designed and maintained to fulfill the primary function of protection and/or screening.

The Planning Commission shall be empowered to modify fence and wall requirements as deemed necessary by conditions affecting a particular development, or to waive requirements where no good purpose would served by compliance with these standards.

13. OUTDOOR LIGHTING

All outdoor lighting, whether for illuminating parking areas, buildings, signs and/or other structures shall be shielded, shaded, designed, and/or directed away from all adjacent residential districts and uses; and further shall not glare upon or interfere with persons and vehicles using public streets.

14. OUTDOOR SPEAKERS AND SOUND DEVICES

Uses requiring outdoor speakers, outdoor public address systems or similar sound devices shall not operate said equipment without the written consent of the Planning Commission, who shall determine that no public nuisance will be established.

15. SOIL, SAND, CLAY, GRAVEL, OR SIMILAR MATERIALS; REMOVAL AND FILLING.

All excavations for the removal of gravel, clay, sand, top soil, and related or similar resources, or any filling thereof; shall be conducted only in FF-1, FF-2, or I Districts and immediately upon completion be followed by site treatment or site work to return the property to a safe condition. Hazardous site conditions, specifically including pools of water, sink holes, steep banks or cliffs, loose overhanging rock or soil, potential cave-in conditions shall not be permitted.

Excavations permitted by this Section shall be required to maintain at least the minimum setback requirements in the District of operation, and in no case shall the excavation be nearer than fifty (50) feet from an adjoining property used for residential purposes, or zoned R-1, R-2, or RR.

16. SOLID WASTE DISPOSAL FACILITIES (amended 10-15-03)

Solid Waste disposal systems, along with their typical ancillary uses, shall only be established pursuant to a Special Use Permit and Public Hearing and reviewed for approval by the Planning Commission, and subject to the following standards and conditions:

<u>Type of Facility Standards</u>	<u>Permissible Zoning Districts</u>	<u>Setback</u>
Sanitary Landfill	FF-1, FF-2, I-1, I-2	1,000 feet
Type A Transfer Station	FF-1, FF-2, I-1, I-2	300 feet
Type B Convenience Centers Minimums	All	District
Composting	FF-1, FF-2, I-1, I-2	100 feet

17. HOME OCCUPATIONS

Home occupations when conducted in a manner determined by the Planning Commission as being fully in keeping with the character of the residential area where located, provided:

- a. Only those persons residing on the premises shall engage in the occupation, which may be operated for gain.
- b. Signs should be avoided, but if deemed necessary, one (1) non illuminated sign not to exceed two (2) square feet in area may be approved and permitted if it is attached to, and is parallel with the wall of the dwelling unit.
- c. All of the operational nuisances such as noise vibration, fumes, smoke, odors, lighting, and related shall be strictly confined to the premises in question, and no activity shall be visible or discernible from any adjoining street or property line.
- d. Structural alterations which are architecturally at variance with the residential unit or which cannot be readily and simply returned to residential use shall be prohibited. Exterior alterations shall not be of a design to indicate or characterize the presence of a home occupation.
- e. The use does not take on the operational character of a business, industrial, or institutional use in terms of parking, traffic (vehicular or pedestrian) loading and unloading, and related features.

Home occupations shall only be approved on the basis of individual merit and the special conditions stated in the permit. The permit shall automatically be revoked upon the sale, lease, or rental of the premises to a party the sale, lease, or rental of the premises to a party other than the applicant, and/or the conditions of the permit have been violated, either by intent or by unforeseen nuisance conditions arising from its operation.

18. HOME OCCUPATION- BED AND BREAKFAST

(Added by 12-11-93 amendment)

Bed and breakfast establishments, subject to a hearing, may be permitted in FF-1, FF-2, R-1, and R-2 districts, after review and upon approval by the Township Zoning Board, subject to the requirements and standards of Section 1304 and 1305 (17.) of this Ordinance, and the following standards:

- a. One parking space per rented room in addition to the requirements for the primary dwelling unit.
- b. A letter from the petitioner stating that he or she understands that:
 1. The permit can be voided by the Township Zoning Board for non-compliance with the zoning ordinance, and
 2. The use of the bed and breakfast occupation is clearly incidental to the primary use for dwelling.

- c. The submittal of a site plan and an interior floor plan, drawn to scale, clearly showing all structures, parts of structures, rooms, or grounds or any facilities to be occupied or used by bed and breakfast clients.
- d. Not more than one (1) identification sign not to exceed two (2) square feet.
- e. That no food services or facilities associated with the use shall be provided to non-occupants of the premises, except as would be typical for any single family household.

SECTION 1306. SANITARY PROVISIONS-SEWERAGE AND WATER FACILITIES:

Per requirements of the County Sanitary Code and any applicable State or Federal requirements.

SECTION 1307. PLANT MATERIALS IN GREENBELTS:

Wherever in this Ordinance a greenbelt or planting is required, it shall be planted within six (6) months from the date that actual construction begins, and shall thereafter be maintained with permanent plant material to provide a screen to abutting properties. Materials equal in characteristics to the plant materials listed with the spacing as required shall be provided.

1. Plant Material Spacing

- a. Plant materials shall not be closer than four (4) feet from the fence line or property line.
- b. Where planting materials are planted in two or more rows, plantings shall be staggered in rows.
- c. Evergreen trees shall be planted not more than thirty (30) feet on centers.
- d. Narrow evergreens shall be planted not more than three (3) feet on centers.
- e. Deciduous trees shall be planted not more than thirty (30) feet on centers.
- f. Tree-like shrubs shall be planted not more than ten (10) feet on centers.
- g. Large deciduous shrubs shall be planted not more than four (4) feet on centers.

2. <u>Suggested plant Materials</u>	Minimum Height in Feet <u>At Time of Planting</u>
a. Evergreen Trees <ol style="list-style-type: none"> 1. Juniper 2. Red Cedar 3. White Cedar 4. Pines 	Five (5) feet
b. Narrow Evergreens <ol style="list-style-type: none"> 1. Pyramidal Arbor-Vitea 2. Columnar Juniper 3. Irish Juniper 	Three (3) feet
c. Tree-like Shrubs <ol style="list-style-type: none"> 1. Flowering Crabs 2. Russian Olives 3. Mountain Ash 4. Redbud 5. Rose of Sharon 	Four (4) feet
d. Large Deciduous Shrubs <ol style="list-style-type: none"> 1. Honey Suckle 2. Viburnum 3. Mock Orange 4. Forsythia 5. Lilacs 6. Ninebark 	Six (6) feet
e. Large Deciduous Trees <ol style="list-style-type: none"> 1. Oak, Birch, Beech 2. Hard Maples 3. Ash 4. Hackberry 5. Sycamore 	Eight (8) feet

3. Trees Not Permitted
1. Box Elder
 2. Soft Maples
 3. Elms
 4. Poplars
 5. Ailanthus (Tree of Heaven)

SECTION 1308. SIGNS AND BILLBOARDS:

1. Any publicly displayed sign, symbol or notice on a premises to indicate the name of the occupant, to advertise the business there transacted, or directing to some other locale, shall be regulated as follows:

<u>USE DISTRICTS</u>	<u>SIGNS PERMITTED</u>	<u>REQUIREMENTS</u>
R-1 and R-2 RR FF-1 and FF-2	Accessory residential name plates.	One(1) for each dwelling unit not to exceed two (2)square feet.
R-1 and R-2 RR FF-1 and 2	Name plates and accessory identification signs,	One (1) for each non-dwelling structure not to exceed eighteen (18)square feet.
B-1 and B-2 FF-1 and FF-2 I Districts	Name plates and accessory advertising signs, including freestanding pylons.	No sign shall project beyond or overhang the wall, roof or any permanent architectural feature by more than five (5) feet.
B-1 Districts	Name plates and accessory advertising signs.	Shall not exceed fifty (50) square feet in area.
B-2 I Districts	All signs including billboards.	Shall not exceed fifty (50) square feet in area.

2. The following regulations shall apply to the display of all signs used for the advertising of yard/garage sales, auction sales, and /or open houses:

(added by 5-28-02 amendment)

- a. These regulations shall apply to and be permitted in all districts.
 - b. These signs shall not exceed two (2) square feet per face, shall not have more than two faces, or be placed higher than four (4) feet from ground level.
 - c. These signs shall be either freestanding, or displayed on a wall or in a window of a structure.
 - d. These signs shall be limited to one (1) per sign street/road frontage.
 - e. No more than two of these signs shall be permitted to be located off the premises of the sale property with permission of the other property owner but subject to the prohibition of Section 1308 3.j.
3. The following conditions shall apply to all signs and billboards erected in any use district:

- a. No sign, except non-illuminated residential name plates shall be erected or altered until approved by the Zoning Administrator and an authorizing permit issued.
- b. Signs shall respect all yard and setback provisions applicable to other permitted structures, except that in the case of front yard signs, the setback may be closer to the front property line, but in no event closer than five (5) feet from the front property line if the Zoning Administrator determines that the placement will not restrict vehicle and/or pedestrian passage and visibility. (amended 5-28-02)
- c. Illuminated signs shall not be of the flashing or intermittent type unless approved by the Board of Appeals.
- d. Accessory signs in B-1,B-2,and/or I Districts may be permitted at the rate of two per land parcel, except that at least one sign shall be affixed to or be with- in two (2) feet of the wall of the main building. The second sign may be freestanding. Whenever a property contains more than one principal use and/or has frontage on two or more streets, the number of signs allowed may be increased in accordance with a property sign plan as approved by the Planning Commission.
- e. Where a business use or tourist service facility is not located directly on a major tourist route, but is dependent upon passer-by traffic for support, one (1) off the premises directory sign may be permitted, in non business districts, subject to review and approval of location by the Planning Commission.
- f. One on premises sign for advertising of premises for rent, lease, and/or for sale shall be permitted in all districts. Any such sign to exceed twenty (20) square feet shall require approval by the Board of Appeals.
- g. Directional signs required for the purpose of orientation, when established by the Township, County, State or Federal Governments, shall be permitted in all Districts.
- h. No sign shall be permitted that is affixed to trees, shrubs or similar natural features; and any sign which is insecurely fixed, unclean, in need of repair, or imitates official traffic control devices shall be prohibited.
- i. The Planning Commission may, upon application by the property owner, modify the area of sign permitted for reasons of unusual building size or bulk, large site area and/or deep building setback, or where, in unusual circumstances no good or practical purpose would be served by strict compliance with requirements of the Section.
- j. No signs except as permitted in 3.g. and 3.k. hereof shall be placed upon the public right-of-way, utility poles, traffic control signs, or other similar structures. (Added by 5-28-02 amendment)
- k. Street name signs, route markers, other traffic control signs and signs established by or approved by state, county, or township units of government when necessary for giving proper direction or otherwise safeguarding the public shall be permitted in all Districts. (Added by 5-28-02 amendment)

ARTICLE XIV - GENERAL EXCEPTIONS

SECTION 1400. AREA, HEIGHT AND USE EXCEPTIONS:

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

1. Essential services

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

2. Voting Place

This Ordinance shall not be construed to interfere with the temporary use of any property as a voting place in connection with a public election.

3. Height Limit

Height limitations shall not apply to farm silos, chimneys, church spires, flag poles, or public monuments; provided, however, that the Board of Appeals may specify a height limit for any such structure when such structure requires authorization as a use permitted on special condition or a use permitted in the Section "CONDITIONAL USES AUTHORIZED BY SPECIAL PERMIT" of this Ordinance.

4. Yard Regulations

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

5. Projections into Required Open Spaces

- a. Outside stairways, fire escapes, vestibules, balconies, by windows and similar projections from the face of a building extending more than four (4) feet above established grade shall be considered part of the building and shall not extend into any required yard or open space.
- b. For lots which have less than 100 feet of width, architectural features such as, but not limited to window sills, cornices, eaves and bay windows may project or extend into a required side yard not more than four (4) inches for each one (1) foot of width of such side yard; and may project or extend into a required front yard or rear yard not more than three (3) feet, Architectural features shall not include those details which are normally de-mountable.
- c. Unenclosed paved area, patios and other surfaced areas may occupy a required yard.

ARTICLE XV - ADMINISTRATION

SECTION 1500. ENFORCEMENT:

Except where herein otherwise stated, the provisions of this Ordinance shall be administered by the Zoning Administrator or by such deputies of his department as the Zoning Administrator may delegate to enforce the provisions of this Ordinance.

SECTION 1501. DUTIES OF ZONING ADMINISTRATOR

The Zoning Administrator shall have the power to grant zoning compliance permits and to make inspections of buildings or premises necessary to carry out his duties in the enforcement of this Ordinance. It shall be unlawful for the Zoning Administrator to approve any plans or issue any permits for any excavation or construction until he has inspected such plans in detail and found them to conform with this Ordinance.

The Zoning Administrator shall record all nonconforming uses existing at the effective date of this Ordinance for the purpose of carrying out the provisions of the Section "Non-conformities".

The Zoning Administrator shall under no circumstances be permitted to make changes to this Ordinance or to vary from the terms of this Ordinance in carrying out his duties as Zoning Administrator.

The Zoning Administrator shall not refuse to issue a permit when conditions imposed by this Ordinance are complied with by the applicant despite violations of contracts such as covenants or private agreements which may occur upon the granting of said permit.

SECTION 1502. PLOT PLAN

The Zoning Administrator shall require that all applications for Zoning Permits shall be accompanied by plans and specifications including a plot plan, drawn to scale, showing the following:

1. The shape, location and dimensions of the lot, drawn to scale.
2. The shape, size, and location of all buildings or other structures to be erected, altered, or moved and of any building or other structures already on the lot drawn to scale.
3. The existing and intended use of the lot and of all such structures upon it, including, in residential areas, the number of dwelling units the building is intended to accommodate.

4. Such other information concerning the lot or adjoining lots as may be essential for determining whether the provisions of this Ordinance are being observed.

SECTION 1503. ZONING PERMIT:

The following shall apply in the issuance of any Permit:

1. Permits for New Use of Land

No land heretofore vacant shall hereafter be used or and existing use of land be hereafter changed to a use of a different class or type unless a Zoning Permit is first obtained for the new or different use.

2. Permits for New Use of Buildings

No building or structure, or part thereof, shall be changed to or occupied by a use of a different class or type unless a Zoning Permit is first obtained for the new or different use.

3. Permits Required

No building or useable exterior parts thereof shall hereafter be erected, moved, or expanded or diminished in floor area unless a Zoning Permit shall have been first issued for such work. Permits shall not be required for the erection of farm buildings which are not for human habitation; provided such structures comply with the setback requirements of this Ordinance.

4. Permit Validity

Zoning Permits shall be valid for a period not to exceed twenty-four (24) months from the date of issuance.

SECTION 1504. FEES

Fees for inspection and the issuance of permits or copies thereof required or issued under the provisions of this Ordinance may be collected by the Zoning Administrator in advance of Issuance. The amount of such fees shall be established by resolution of the Legislative Body.

SECTION 1505. INTERPRETATION

In interpreting and applying the provisions of this Ordinance, they shall be held to be the minimum requirements for the promotion of the public health, safety, convenience, comforts, morals, prosperity and general welfare.

SECTION 1506. BOARD APPROVAL

In cases where the Board of Appeals is empowered to approve certain uses or premises under the provisions of this Ordinance the Applicant shall furnish such surveys, plans or other information as may be required by said Board of the proper consideration of the matter.

The Board of Appeals shall investigate the circumstance of each such case and shall notify such parties, who may in its opinion be affected thereby, of the time and place of any hearing which may be held relative thereto as required under its rules of procedure.

Any approval given by the Board of Appeals, under which premises are not used or work is not started within twenty-four (24) months or when such use or work has been abandoned for a period of twenty-four (24) months, shall lapse and cease to be in effect.

SECTION 1507. CHANGES AND AMENDMENTS

The Township Board may from time to time, on recommendation from the Planning Commission, or on petition, amend, supplement, or change the District boundaries or the regulations herein, or subsequently established herein pursuant to the authority and procedure established in Act 184 of the Public Acts of 1943, as amended.

SECTION 1508. SITE PLAN REVIEW

1. Except for single family dwellings intended for seasonal or permanent occupancy, unless otherwise stated below, a complete and detailed site plan shall be submitted to the Little Traverse Township Planning Commission for the approval of:
 - a. Any use or development located within one thousand (1000) feet of the established high water line of Little Traverse Bay on Lake Michigan. This shall include single family dwellings in high erosion areas as defined in the Shoreline Protection and Management Act (P.A.245 of 1970).
 - b. All uses permitted in B-1, B-2, and I Districts and any nonresidential use in all other Districts.
 - c. Any special approval use, conditional or exceptional use for which a site plan is required by this Ordinance.

2. Graphic Requirements for Site Plans

Site plans submitted in compliance with this Ordinance shall be presented in terms of the following:

- a. A map scale of not less than 1 inch to 50 feet for sites less than 3 acres, and not less than 1 inch to 100 feet if the site is larger than 3 acres.
- b. Date, north point, scale, and property dimensions, street names, and necessary identification information.
- c. All existing and all proposed structures on the subject property, other structures within 100 feet of the subject property, ingress-egress drives, and parking areas.
- d. All easements, utility lines, rights-of-way and other services within and bordering the subject property.
- e. Topography map showing contour lines with a maximum interval of five (5) feet.
- f. Soil borings and soil analysis data shall be provided with every development involving three (3) acres or more.

3. Impact Specifications to Accompany all Required Site Plans

- a. A complete description of the proposed development including: the number of lots or units; and the number and characteristics of the population impact such as density, elderly persons, school children, tourists, family size, income, and related as applicable.
- b. A technical program including statements relative to the impact of the proposed development on the natural resources of Little Traverse Township and the waters of Lake Michigan. Particular references must be made relative to site erosion, shoreline protection, wildlife habitat, air pollution, water pollution (ground and surface), and the scale of development in terms of the Township environment as a place of residence.
- c. Expected demands on community services, to specifically include: school classroom needs, volume of sewage for treatment, volume of water consumption related to ground water reserves or community system capacity, change in traffic volume on adjacent streets, and other factors than may apply to the particular development.

- d. Any site grading shall be accompanied by plans and specifications prepared by or approved and signed by a professional engineer or by an architect and no site plan or plat shall be approved unless it includes soil erosion sediment control measures in accordance with the technical standards of the Emmet County Soil Conservation District. These protecting measures shall apply to all developments on sites of three acres or more, and shall include preventative soil erosion devices or measures, both during and after any site work related to the development.

4. Site Plan Review Standards

In the process of reviewing the site plan, the Township Planning Commission shall consider:

- a. The location and design of driveways and entrance feature with respect to vehicular pedestrian traffic.
- b. The traffic circulation plan and off-street parking lots with respect to public safety, on site uses, and adjacent properties.
- c. Buffer techniques, fences, walls, greenbelts, and landscaping may be required by the Planning Commission in pursuance of the objectives of this Section and/or as a condition of the establishment of the proposed use.

5. Approval

Following the submittal of a site plan in accordance with the requirements of this Section, the Planning Commission shall approve, conditionally approve or reject the proposed development.

6. Improvement Guarantees

Any site improvements affecting screening devices, greenbelts, drainage structures, or other special construction features that pertain to the approval of the Site Plan, as either required by the Planning Commission or as proposed by the developer or proprietor; shall be guaranteed by a deposit with the Township Clerk, of cash a certified check, certificate of deposit, or irrevocable bank letter of credit, whichever the proprietor selects, or a surety bond acceptable to Little Traverse Township, to insure the faithful completion of the improvements specified.

The amount of the deposit shall be set by the Township based on reliable estimates of the cost of completing the work.

SECTION 1509. VIOLATIONS: MUNICIPAL CIVIL INFRACTIONS(amended 1-10-98)

1. Any person who violates any provision of this Ordinance is responsible for a municipal civil infraction, subject to payment of a civil fine pursuant to the Little Traverse Township Municipal Civil Infraction Ordinance, as amended, plus costs and other sanctions, for each violation (as authorized by Section 24 of Act 184 of the Public Acts of Michigan of 1943, as amended, the Little Traverse Township Municipal Civil Infraction Ordinance, and other applicable laws.
2. Repeat offenses under this Ordinance shall be subject to increased fines, as provided by the Little Traverse Township Municipal Civil Infraction Ordinance, as amended.
3. Each day on which any violation of this Ordinance occurs or continues constitutes a separate offense, subject to separate sanctions. The paying of a fine or sanctions under this Ordinance shall not exempt the offender from meeting the requirements of this Ordinance.
4. The Township's Authorized Township Officials (as defined by the Municipal Civil Infraction Ordinance, as amended) are hereby designated as the Authorized Township Officials to issue municipal civil infractions citations for violations of this Ordinance.
5. A violation of this Ordinance is deemed to be a nuisance, per se. In addition to any remedies available at law, the Township may bring an action for an injunction or other process against any person to restrain, prevent or abate any violation of this Ordinance.

ARTICLE XVI - BOARD OF APPEALS

SECTION 1600. CREATION AND MEMBERSHIP:

There is hereby established a Board of Zoning Appeals which shall perform its duties and exercise its powers as provided in the Act 184 of Public Acts of 1943, and Act 131 of the Public Acts of 1976, as amended and in such a way that the objectives of this Ordinance shall be observed, public safety secured, and substantial justice done. The Board shall consist of the following three (3) members:

1. The first member shall be a member of the Township Planning Commission (Zoning Board) for the term of his office.
2. The second and third member shall be selected from electors of the Township residing outside of incorporated cities and villages. The membership must be representative of the population and interests present in the Township. One member may be a member of the Township Board, provided that an elected officer cannot serve as Chairman of the Board of Appeals.
3. An employee or contractor of the Township cannot serve as a member or employee of the Board of Appeals.
4. The term of each member of the Board of Appeals is 3 years. A successor must be appointed within one month. Vacancies for unexpired terms shall be filled for the remainder of the term.

SECTION 1601. MEETINGS

Meetings of the Board of Appeals shall be held at the call of the Chairman and at such other times as such Board may determine or specify in its rule of procedure. All hearings conducted by said Board shall be open to the public. The Board of Appeals shall adopt its own rules of procedure and keep a record of its proceedings showing the vote of each member upon each question, or if absent or failing to vote, indicating said fact; and shall file a record of its proceedings in the office of the Township Clerk, and shall be a public record.

SECTION 1602. APPEAL

An appeal from the ruling of the Zoning Administrator concerning the enforcement of the provisions of this Ordinance may be taken to the Board of Appeals within such time as shall be prescribed by said Board of Appeals by a general rule. such appeal may be taken by any person, firm or corporation, or by any Officer, Department, Board or Bureau of the County.

The appellant shall file with the Board of appeals, on blanks or forms to be furnished by the Zoning Administrator, a notice of appeal specifying the grounds thereof.

The Zoning Administrator shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from was taken. The final decision of such appeal shall be in the form of a resolution either reversing, modifying or affirming, wholly or partly, the decision of determination appealed from.

SECTION 1603. STAY

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

SECTION 1604. JURISDICTION

The Board of Appeals shall have the following powers and it shall be its duty:

1. To hear and decide appeals where it is alleged there is error of law in any order, requirement, decision or determination made by the Zoning Administrator in the enforcement of this Ordinance.
2. In hearing and deciding appeals, the Board of Appeals shall have the authority to grant such variances therefrom as may be in harmony with their general purpose and intent so that the function of this Ordinance be observed, public safety and welfare secured, and substantial justice done, including the following:
 - a. Interpret the provisions of the Ordinance in such a way to carry out the intent and purpose of the plan, as shown upon the Zoning Map fixing the use districts, accompanying and made part of this Ordinance, where street layout actually on the ground varies from the street layout as shown on the map aforesaid.
 - b. Permit the erection and use of a building or use of premise for public utility purposes and make exceptions therefrom to the height and bulk district requirements herein established which said Board considers necessary for the public

convenience or welfare.

- c. Permit the modification of the automobile parking space or loading space requirements where, in the particular instance, such modification will be inconsistent with the purpose and intent of such requirements.
 - d. Permit such modification of the height and area regulations as may be necessary to secure an appropriate improvement a lot which is of such shape, or so located with relation to surrounding development or physical characteristics that it cannot otherwise be appropriately improved without such modification.
 - e. Permit temporary buildings and uses for periods not to exceed two (2) years, but may be renewed upon request for not more than two (2) additional two (2) periods each.
3. Where, owing to special conditions, a literal enforcement of the use provisions of this Ordinance would involve practical difficulties or cause unnecessary hardships within the meaning of this Ordinance, the Board shall have power upon appeal in specific cases to authorize such variation or modification as may be in harmony with the spirit of the Ordinance, and so that public safety and welfare be secured and substantial justice done. No such variance or modification of the use provisions of this Ordinance shall be granted unless it appears beyond a reasonable doubt that all the following facts and conditions exist:
- a. That there are exceptional or extraordinary circumstances or conditions applicable to the property or to its use that do not apply generally to other properties or uses in the same District.
 - b. That such variance is necessary for the preservation and enjoyment of a substantial property right possessed by other property in the vicinity.
 - c. That the granting of such variance or modification will not be materially detrimental to the public welfare or materially injurious to the property or improvements in District in which the property is located.
 - d. That the granting of such variance will not adversely affect the purposes or objectives of the Zoning Plan of the Township.

Nothing herein contained shall be construed to give or grant to the Board the power or authority to alter or change the Zoning Ordinance or the Zoning Map, such power and authority being reserved to the Township Board in the manner hereinafter provided by the law.

SECTION 1605. EXERCISING POWERS

In exercising the above powers, the Board of Appeals may reverse or affirm wholly or partly, or may modify the order, requirement, decision or determination appealed from and may make such order, requirements, decision or determination as ought to be made, and to that end shall have all the powers of the Zoning Administrator from whom the appeal is taken.

SECTION 1606. NOTICE OF HEARING

The Board of Appeals shall make no recommendation except in a specific case and after a Public Hearing conducted by said Board. A notice of the time and place of such Hearing shall be published in a paper of general circulation in the County at least fifteen (15) days previous to the Hearing. Such notice shall contain the address, if available, and location of the property for which the variation or other ruling by the Board of appeals is sought, as well as a brief description of the nature of Appeal.

SECTION 1607. MISCELLANEOUS

No order of the Board of Appeals permitting the erection or alteration of a building shall be valid for a period longer than two (2) years, unless a Zoning Permit for such erection or alteration is obtained within such period and such erection or alteration is started and proceed to completion in accordance with the terms of such permit.

No order of the Board of Appeals permitting a use of a building or premises shall be valid for a period longer than two (2) years unless such use is established within such period; provided, however, that where such uses permitted is dependent upon the erection or alteration of a building, such order shall continue in force and effect if a Zoning Permit for said erection or alteration of a building, such order shall continue in force and effect if a Zoning Permit for said erection or alteration is obtained within such period and such erection or alteration is started and proceeds to completion in accordance with the terms of such permit.

ARTICLE XVII - VESTED RIGHT

It is hereby expressly declared that nothing in this Ordinance shall be held or construed to give or grant to any person, firm or corporation any vested right, license, privilege or permit.

ARTICLE XVIII - SEVERING CLAUSE

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

ARTICLE XIX - CONFLICTING REGULATIONS

Wherever in Little Traverse Township there are provisions in two (2) or more laws or Ordinances that have conflicting provisions, the law or Ordinance with the more stringent requirements or regulations shall govern.

ARTICLE XX - EFFECTIVE DATE

The provisions of this Zoning Ordinance are hereby declared to be immediately necessary for the preservation of the public health, peace and safety and are hereby ordered to take immediate effect, after final passage, as authorized under the provisions of Act 184, of the Public Acts of 1943, State of Michigan. Made and passed this 14 day of June, 1975.

**RESOLUTION OF ADOPTION OF A PERMANENT ZONING ORDINANCE
FOR
LITTLE TRAVERSE TOWNSHIP**

WHEREAS: It has been resolved by township board action to adopt a permanent zoning ordinance under the provisions of P.A. 184 of 1943 as amended, and

WHEREAS: The township zoning board has taken the necessary steps to prepare a permanent zoning ordinance, and as a result has presented to the township board a recommended permanent zoning ordinance in accordance with the act, and

WHEREAS: The township board finds said recommendation to be satisfactory and necessary to the zoning needs of Little Traverse Township, now

THEREFORE BE IT RESOLVED: That the Little Traverse Zoning Ordinance as presented by the zoning board be, and is hereby adopted to take immediate effect.

BE IT FURTHER RESOLVED: That a copy of this resolution and the complete zoning ordinance be published in the Petoskey News Review within ten (10) days of this adoption.

Yeas 5 Nays 0

SIGNED: Jane Taylor, Clerk
 LITTLE TRAVERSE TOWNSHIP

DATE: June 14, 1975

**A Supplement to
the
Zoning Ordinance
of
Little Traverse Township**

**The DOD - Dune Overlay
District**

(Added by 4-8-95 Amendment)

ARTICLE XXI - DOD DUNE OVERLAY DISTRICT

TABLE OF CONTENTS

<u>ITEM</u>		<u>PAGE</u>
SECTION	1700. PREAMBLE	2
	1701. DEFINITIONS	2
	1702. AFFECTED AREA	4
	1703. LOT STANDARDS	4
	1704. LOTS AFFECTED	5
	1705. APPLICATION REQUIREMENTS	5
	1706. ENVIRONMENTAL ASSESSMENT	6
	1707. ENVIRONMENTAL IMPACT STATEMENT	7
	1708. PERMITTED USES	8
	1709. PROHIBITED AND LIMITED USES	8
	1710. SITE PLAN REVIEW	10
	1711. USE STANDARDS	11
	1712. USE AREA STAKING	12
	1713. SPECIAL USE PROJECTS	12
	1714. PERFORMANCE GUARANTEE	12
	1715. VARIANCES IN DOD DISTRICTS	12
	1716. PENALTIES IN DOD DISTRICTS	13

ARTICLE XXI - DOD DUNE OVERLAY DISTRICT

SECTION 1700. PREAMBLE

In keeping with the findings of the Michigan Legislature and the authority granted to local government in Public Act 222 of 1976, as amended, the Township of Little Traverse hereby declares that:

1. The critical dune areas of the township are a unique, irreplaceable, and fragile resource that provide significant recreational, economic, scientific, geological, scenic, botanical, educational, agricultural, and ecological benefits to the people of this community, to the state, and to people from other states and countries who visit this resource.
2. The benefits derived from industrial, residential, commercial, agricultural, silvicultural, and the recreational uses of critical dune areas shall occur only when the protection of the environment and the ecology of the critical dune areas is assured for the benefit of the present and future generations.
3. The regulations embodied in this Dune Overlay District are declared to be the minimum necessary to achieve the critical Dune protection goals.

SECTION 1701. DEFINITIONS

The following items used in this Dune Overlay District shall have the meaning defined below:

1. "Administrative Officer" shall be the Township Zoning Administrator, or a deputy or assistant to the Zoning Administrator appointed to administer the terms of the Township Zoning Ordinance or the zoning standards adopted for designated Critical Dune Areas.
2. "Contour change" includes any grading, filling, digging, or excavating that significantly alters the physical characteristic of a critical dune area, except that which is involved in sand dune mining.
3. "Crest" means the line at which the first lakeward facing slope of a critical dune ridge breaks to a slope of less than 18% for a distance of at least 20 feet, if the areal extent where this break occurs is greater than 1/10 acre in size.
4. "Department" means the department of natural resources, State of Michigan.
5. "Critical dune area" means that geographic area designated in the "atlas of critical dune area" dated February 1989 that was prepared by the department.

6. "Foredune" means 1 or more low linear dune ridges that are parallel and adjacent to the shoreline of a Great Lake and are rarely greater than 20 feet in height. The lakeward face of a foredune is often gently sloping and may be vegetated with dune grasses and low shrub vegetation or may have an exposed sand surface.
7. "Person" means an individual, partnership, firm, corporation, association, local unit of government, or other political subdivision of the state, or a state or state agency.
8. "Township Planning Commission" for the purposes of this Ordinance, shall be the Little Traverse Zoning Board, or Township Planning Commission when so established.
9. "Restabilization" means restoration of the natural contours of a critical dune to the extent practicable, and the restoration of the protective vegetative cover of a critical dune through the establishment of indigenous vegetation, and the placement of sand trapping measures for the purpose of preventing erosion, drifting, and slumping of sand.
10. "Sand dune area" means that area designated by the department which includes some geomorphic features composed primarily of sand, whether windblown or of other origin and which lies within 2 miles of an ordinary highwater mark of a Great Lake as defined in section 2 of the Great Lakes submerged lands act, Act No. 247 of the Public Acts of 1955, as amended, being section 322.702 of the Michigan Compiled Laws, and includes critical dune areas.
11. "Sand dune mining" means the removal of sand from sand dune areas for commercial, or industrial purposes, or both.
12. "Special use project" means any of the following:
 - a) A proposed use in a critical dune area for an industrial or commercial purpose regardless of the size of the site.
 - b) A multifamily use on a site area of 3 acres or more.
 - c) A multifamily use of 3 acres or less if the density is greater than four (4) dwelling units per acre.
 - d) Any proposed use in a critical dune area, that the Township determines would damage or destroy features of archaeological or historical significance.
13. "Use" means a developmental, silvicultural, or recreational activity done or caused to be done by a person that significantly alters the physical characteristic of a critical dune area or a contour change done or caused to be done by a person, but does not include sand dune mining.

14. "Zoning map" refers to the Little Traverse Township Zoning Map and the Atlas Maps of Critical Dune Areas in Emmet County, which fall under Township Zoning jurisdiction, are declared to be a part of the Little Traverse Township Zoning Map.
15. "The Township" where used in the ordinance, shall be the Township of Little Traverse or Little Traverse Township.

SECTION 1702. AREA AFFECTED

The provisions of this Dune Overlay District shall apply to all lands so depicted on the maps of Little Traverse Township, contained in the "Atlas of Critical Dunes", as prepared by the Michigan Department of Natural Resources. The Critical Dunes Maps are hereby declared to be a part of the official Little Traverse Township Zoning Map, and is to be noted on the Little Traverse Township Zoning Map by reference, and said Critical Dunes Map shall be available through the office of the Township Zoning Administrator. These lands include the entire critical dune area as designated by the Michigan Department of Natural Resources for Emmet County pursuant to PA 222 of 1976, the Sand Dune Protection and Management Act.

Lands that are within 250 feet of a critical dune area, that are determined by the Township Planning Commission to be essential to the hydrology, ecology, topography, or integrity of a critical dune area shall also receive all the protection afforded to critical dunes in the Overlay District, even if not so depicted on the Zoning Map.

SECTION 1703. LOT STANDARDS

This Overlay District establishes regulations which apply in addition to those of the underlying district. Lot size, density, and front, side and rear setbacks shall be established as in the underlying district, except that lots created after the effective date of this Article shall all be at least 200 feet in width. Where the provisions of this District conflict with those of the underlying district, the provisions of the Dune Overlay District shall supersede.

Narrower lots than specified, but not narrower than that specified in the underlying zoning district, may be permitted for use at the discretion of the Administrative officer, or if applicable, Township Planning Commission provided that the following standards are met:

- a) One approved access drive serves two (2) or more lots, and it is demonstrated that one (1) access drive will have a less deleterious effect on the dune environment than multiple drives, or
- b) The affected homes will be set farther back from the dune crest than is otherwise allowed, to result in access drives that are of significantly shorter length and hence lesser impact on the dune; and

- c) Where multiple lots are served by one drive, a maintenance agreement satisfactory to the Planning Commission is implemented; and
- d) Not more than one access pathway to the beach for each two lots is established.

If dune resources can be afforded greater protection from disturbance by the application of cluster design techniques, then the applicant may apply for a Subdivision Open Space Plan per Article XII of the Zoning Ordinance. To implement a building clustering plan (common wall structures), the underlying district must be zoned to permit building clustering (refer to Article XII). The cluster option overrides the lot standards prescribed in this Section, except that all setback and other requirements of this Article still apply.

SECTION 1704. LOTS AFFECTED

After the effective date of this article:

- 1. No subdivision or condominium development shall occur within the Dune Overlay District except in compliance with the minimum standards of this Ordinance and after review and approval of a site plan and other documents as required herein;
- 2. A structure or use located in a critical dune area that is destroyed by fire, other than arson for which the owner is found to be responsible, or an act of nature, except for erosion, is exempt from the operation of this act or a zoning ordinance under this act for the purpose of rebuilding or replacing the structure or use, if the structure or use was lawful at the time it was constructed or commenced and the structure does not exceed in size or scope that which was destroyed and does not vary from its prior use.
- 3. No use which is in existence as of the effective date of this Article shall be expanded, except in strict compliance with the minimum standards of this Ordinance.
- 4. Prior to the creation and recording of any new lot, the property owner shall investigate the standards for a zoning permit to insure that the lot will be useable for a purpose permitted under this Ordinance.

SECTION 1705. APPLICATION REQUIREMENTS

All applications for permits for the use of a critical dune area shall include in writing a showing or evidence of:

- 1. That the Township enforcing agency designated pursuant to the Soil Erosion and Sedimentation Control Act of 1972, Act No. 347 of the Public Acts of 1972, being sections 282.101 to 282.125 of the Michigan Compiled Laws, finds that the project is in compliance with Act No. 347 of the Public Acts of 1972 and any applicable soil erosion and sedimentation control ordinance that is in effect in the Township.

2. That a proposed sewage treatment or disposal system on the site has been approved by the health department of jurisdiction.
3. The cutting or removal of any vegetation shall be minimum to accommodate the permitted usage of the site, and further shall be such that the hazards of an exposed dune are avoided. The Administrative Office may require the submittal of and implementation of a plan pursuant to the "voluntary forestry management guidelines for Michigan" (Society of American Foresters, 1987).
4. Except as otherwise provided in subsection 5, herein, a site plan shall contain data required by this Section and Section 1508 concerning the physical development of the site and extent of disruption of the site by the proposed development.
5. An environmental assessment that comports with Section 1706 for a Special Use Project and/or an environmental impact statement containing the information in Section 1707 may be required if the additional information is considered necessary or helpful in reaching a decision on a permit application for a Special Use Project.
6. If the Administrator is not certain of the degree of slope on a property for which a use permit is sought, the Administrative Officer may require that the applicant supply a topographic map of the site with a contour interval not more than five (5) feet at or near any proposed structure or roadway, or consult with the Emmet Soil Conservation District regarding the degree of slope.
7. The payment of any required fees for processing and/or professional review of the submitted site plan.

SECTION 1706. ENVIRONMENTAL ASSESSMENT

When an environmental assessment is required, it shall include the following information concerning the site of the proposed use:

1. The name and address of the applicant.
2. A description of the applicant's proprietary interest in the site.
3. The name, address, and professional qualifications of the person preparing the environmental assessment and his or her opinion as to whether the proposed development of the site is consistent with protecting features of environmental sensitivity and archaeological or historical significance that may be located on the site.
4. The description and purpose of the proposed use.
5. The location of existing utilities and drainage ways.
6. The general location and approximate dimensions of proposed structures.

7. Major proposed change of land forms such as new lakes or ponds, terracing, fills or berms, or excavating.
8. Sketches showing the scale, character, and relationship of structures, streets, or driveways, and open spaces.
9. Approximate location and type of proposed drainage, water, and sewage facilities.
10. Legal description or clear identification of the property.
11. A physical description of the site, including its dominant characteristics, its vegetative character, its present use, and other relevant information.
12. A natural hazards review consisting of a list of natural hazards such as periodic flooding, poor soil bearing conditions, and any other hazards peculiar to the site.
13. An erosion review showing how erosion control will be achieved, and illustrating plans or programs that may be required by any existing soil erosion and sedimentation ordinance.

SECTION 1707. ENVIRONMENTAL IMPACT STATEMENT

When an environmental impact statement is required, it shall include all of the information of Sec 1706, in addition to the following:

1. Six (6) copies of a schematic use plan of the proposed site showing the general location of the proposed use and major existing physical and natural features on the site, including, but not limited to, watercourses, rock outcropping, wetlands, and wooded areas. One (1) reproducible transparency may be requested or more copies requested if necessary for proper review.
2. Specific location and dimensions as applicable of the following existing and/or proposed features: utilities, drainage ways, public streets, parks, railroads, utility rights-of-way, driveways, sidewalks, pedestrian ways, trails, off-street parking, loading areas, existing structures and proposed structures.
3. Approximate existing and proposed contours and drainage patterns, showing at least 5-foot contour intervals.
4. Sketches showing the scale, character, and relationship of structures, streets or driveways, and open space.
5. Approximate location and type of proposed drainage, water and sewage treatment and disposal facilities.
6. A short description of the soil types found on the site and whether the soils hold limitations for construction and/or for on-site sanitary sewage treatment.

7. At a minimum, plans for compliance with all of the following standards shall be required for construction and post-construction periods:
 - a) Surface drainage systems designed to prevent erosion through control of the direction, volume, and velocities of storm water runoff.
 - b) The design shall provide for debris collection devices when handling street and parking drainage.
 - c) Water courses designed to control volumes, and velocities of water to prevent bottom and bank erosion.
 - d) If vegetation has been removed or has not been able to occur on exposed surface areas, stabilization measures shall be taken to prevent wind erosion and the blowing of surface material.

SECTION 1708. PERMITTED USES

The following uses are permitted in the DOD Dune Overlay District:

1. All Principal Uses Permitted and as regulated in the underlying Zoning District, subject to the superseding requirements of the DOD District.
2. All Principal Uses Permitted subject to Special Conditions, or any uses permitted by the Special Use Permit, as regulated in the underlying Zoning District, subject to the superseding requirements of the DOD District.

SECTION 1709. PROHIBITED AND LIMITED USES

The following uses are not permitted or are limited in a critical dune area:

1. The disposal of sewage on-site unless the standards of applicable sanitary codes are met.
2. A use that does not comply with the minimum setback requirements required by rules that are promulgated under the Shorelands Protection and Management Act of 1970, Act No. 245 of the Public Acts of 1970, being sections 281.631 to 281.644 of the Michigan Compiled Laws.
3. A surface drilling operation that is utilized for the purpose of exploring for or producing hydrocarbons or natural brine or for the disposal of the waste or by-products of the operation; except that those that are lawfully in existence at a site as of July 5, 1989 may be continued, completed, restored, or substituted upon approval of the director of the department of natural resources.

4. Production facilities regulated pursuant to the mineral well act, Act No. 315 of the Public Acts of 1969, being sections 319.211 to 319.236 of the Michigan Compiled Laws, and Act No. 61 of the Public Acts of 1939, being sections 319.1 to 319.27 of the Michigan Compiled Laws; except that those that are lawfully in existence at a site as of July 5, 1989 may be continued, completed, restored, or substituted upon approval of the director of the department of natural resources.
5. Unless a variance is granted pursuant to Section 1716, the following uses are not permitted in a critical dune area:
 - a) A structure on a slope within a critical dune area that is 18% to 25% unless the structure is in accordance with a sealed plan prepared for the site by a registered professional architect or a licensed professional engineer and the plan provides for the appropriate disposal of storm water. A review statement on the plan from the Emmet County Soil Conservation District shall be provided by the applicant.
 - b) A use on a slope within a critical dune area that is greater than 25%.
 - c) A use that is a structure that is not in compliance with subsection "h" of this Section.
 - d) A use involving contour changes that are likely to increase erosion, decrease stability, or is more extensive than required to implement a use for which a permit is requested.
 - e) Silvicultural practices, as described in the "voluntary forest management guidelines for Michigan", prepared by the society of American foresters in 1987, that are likely to increase erosion, decrease stability, or are more extensive than required to implement a use for which a permit is requested.
 - f) A use that involves vegetation removal that is likely to increase erosion, decrease stability, or is more extensive than required to implement a use for which a permit is requested.
 - g) A use that otherwise is determined not to be in the public interest. In so determining, the Administrative Officer shall consider both of the following:
 - 1) The availability of feasible and prudent alternative locations or methods, or both, to accomplish the benefits expected from the use. If a proposed use is one (1) single family dwelling on a lot of record, consideration of feasible and prudent alternative locations shall be limited to the lot of record on which the use is proposed. A lot of record shall not be created to circumvent the purposes of this subparagraph.

- 2) The impact expected on the critical dune area, and the extent to which the impact may be minimized.
- h) A use that involves a structure shall be placed behind the crest of the first landward ridge of a critical dune area that is not a foredune. However, if construction occurs within 100 feet measured landward from the crest of the first landward ridge that is not a foredune, the applicant shall demonstrate that the proposed use meets all of the following requirements:
- 1) The use will not destabilize the critical dune area.
 - 2) Contour changes and vegetative removal are limited to that essential to siting the structure.
- 3) Access to the structure is from the landward side of the dune.
- 1) The dune is restabilized with indigenous vegetation.
 - 2) Construction techniques and methods are employed that mitigate the impact on the dune.
 - 3) The crest of the dune is not reduced in elevation.

SECTION 1710. SITE PLAN REVIEW

Reviewing a site plan submitted along with all the application information required in Section 1705, the Administrative Officer shall:

1. Insure that the requirements of the zoning ordinance have been met and that the plan is consistent with existing laws.
2. Seek the advice of the Soil Conservation District if it is determined to be necessary or helpful to the review.
3. Recommend alterations of a proposed development to minimize adverse effects anticipated if the development is approved and to assure compliance with all applicable state and local requirements.
4. Renders a decision to approve, reject or conditionally approve within sixty (60) days of the filing of a complete application.

If the applicant is not satisfied with the determinations of the Administrative Officer, or if the Administrative Officer feels the need for some supplementary review, the site plan may be referred to the Township Planning Commission for review and decision. Such referral shall permit an additional sixty (60) day review period and more time may be necessary to accommodate advertised public hearings. All efforts shall be made to vigorously expedite the permit request within the shortest practical time frame.

SECTION 1711. USE STANDARDS

1. Any lot or parcel which in whole or part, falls within the Dune Overlay District shall not be used except upon receipt of a zoning permit from the Administrative Officer. No zoning permit shall be issued for the use of lands within the DOD District until a site plan meeting the requirements of this Section and those of Section 1508 have been met. The Administrative Officer (or Township Planning Commission) will make a final determination as to whether or not these standards have been met and shall exercise lawful discretion in all cases in favor of protection of the critical dune area.
2. The following access requirements apply to all development in the Dune Overlay District:
 - a) Wherever feasible, roads and pathways shall be located in areas where vegetation has stabilized the dunes and shall be constructed in a manner that minimizes disruption to the dune.
 - b) Roads or driveways shall be located landward of the principal structure unless the existing road, or only feasible new public or private road, is lakeward of the property. Access roads or driveways shall respect the natural gaps in topography and may be run in a dry trough between dunes and/or through natural gaps within the dune system. The natural topography of the dune crests shall not be altered unless no other means of access is feasible.
 - c) Whenever feasible, shared access drives, and utility easements shall be provided.
 - d) Roads or driveways in open site areas shall have beach grass (*Ammophila Breviligulata* Fernald) or other suitable material planted and maintained in a living condition on areas of open sand to a distance of fifty (50) feet adjacent to each side of the road or driveway.
 - e) The use of motor vehicles and/or off-road vehicles (ORV's) shall only be on approved driveways or trails as indicated on the site plan, and all usage of ORV's and vehicles shall be in such a manner as to protect the critical Dune Area from destruction of vegetation and erosion hazards. ORV use violations shall be enforced by the Michigan Department of Natural Resources (DNR) and/or the County Sheriff's Department.
 - f) Parking shall be limited to space necessary to meet the needs of the permitted use and shall be sited and screened along with the principal use pursuant to the standards applied during the site plan review process.
 - g) If a pathway or trail to the shore would cause erosion or damage to non-vegetated or vegetated sand areas, as determined by the Administrative Officer, raised boardwalks or stairs, or similar protective measures shall be provided. Such a structure shall not be designed so as to cause any weakening or damage to the bluff or dune.

- h) Stairways or lifts shall be designed so as to avoid placement on dune face unless there is no other feasible alternative. Approval may be conditioned on a design, color and materials that blends the structure into the dune environment, and the planting of obscuring vegetation where appropriate.
3. No livestock grazing or other farming is permitted lakeward to the crest of the first landward ridge on the critical dune.
4. No accessory structures with a height, width, or length in excess of 10 feet except for stairways, pedestrian bridges, flag poles or open decks, satellite dishes and signs no greater than 1' X 2', shall be permitted lakeward of the 100 ft. setback for the principal structure behind the crest of the first landward ridge. No such structure shall occupy space in the underlying zoning setback area.
5. All shore protection devices shall conform with state and federal requirements.

SECTION 1712. USE AREA STAKING

The applicant shall stake the location of all proposed structures and uses prior to a site inspection to check the measurements on a proposed site plan.

SECTION 1713. SPECIAL USE PROJECTS

Prior to issuing a permit allowing a special use project within a critical dune area, the Township shall submit the special use project application and plan and the recommended decision of the Township to the department. The department shall have 60 days to review the plan and may affirm, modify or reverse the recommended decision of the Township.

SECTION 1714. PERFORMANCE GUARANTEE

An adequate performance guarantee in the form of a surety bond (or cash, check or irrevocable bank letter of credit) may be collected to insure that any earth change or construction activities carried out in violation of approved permits or an approved site plan can be corrected to the maximum extent. Said guarantee shall be refunded when the work for which it was collected has been satisfactorily completed.

SECTION 1715. VARIANCES IN DOD DISTRICTS

The board of appeals may grant a variance from the requirements on this overlay district if an unreasonable hardship will occur to the owner of the property if the variance is not granted. The procedural requirements of Article XVI should be adhered to. A variance shall be subject to the following limitations:

5. A variance shall not be granted from a setback requirement of this Article unless the property for which the variance is requested is one (1) of the following:
- i) A nonconforming lot of record that was recorded prior to July 5, 1989 and that becomes nonconforming due to the operation of PA 222 of 1976 or this zoning ordinance.
 - j) A lot legally created after July 5, 1989 that later becomes nonconforming due to natural shoreline erosion.
 - k) Property on which the base of the first landward critical dune of at least 20 feet in height, that is not a foredune, is located at least 500 feet inland from the first foredune crest or line of vegetation on the property. However, the setback shall be a minimum of 200 feet measured from the foredune crest or line of vegetation.
 - d) The property does not satisfy the objectives of the Act as defined in the Preamble Section 1700 of this Article.
6. A variance shall not be granted that authorizes construction on the first lakeward facing slope of a critical dune area or a foredune unless the proposed construction is near the base of the lakeward facing slope of the critical dune on a slope of less than 12% of a nonconforming lot of record (recorded prior to July 5, 1989) that has borders that lie entirely on the first lakeward facing slope of the critical dune area that is not a foredune.

SECTION 1716. PENALTIES IN DOD DISTRICTS

In addition to the penalty provisions of this Ordinance, the provisions of MCL 281.672 shall apply in the event of any violation. Pursuant to subsection (4) of said Section, a court may impose on a person who violates any provision of this Dune Overlay District, or a provision of a permit issued hereunder, a civil fine of not more than \$5,000.00 for each day of violation, or order a violator to pay the full cost of re-stabilization of a critical dune area or other natural resource that is damaged or destroyed as a result of a violation, or both.