

ZONING ORDINANCE

As Amended

West Traverse Township

Emmet County

Michigan

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WEST TRAVERSE TOWNSHIP ZONING ORDINANCE

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**ZONING ORDINANCE
WEST TRAVERSE TOWNSHIP
EMMET COUNTY
MICHIGAN**

AS AMENDED

PREAMBLE

An Ordinance regulating and restricting the location and use of structures and land for residence, trade, industry and other purposes; the height and size of structures; the size of yards, courts and other open spaces; the density of population; creating districts for said purposes and establishing boundaries thereof; providing for changes in regulations, restrictions and boundaries of such districts; defining certain terms used herein; providing for enforcement, administration, and for the repeal of all ordinances in conflict with this Ordinance.

TITLE

An ordinance enacted under Act 184, Public Acts of 1943, as amended, governing the unincorporated portions of the Township of West Traverse, Emmet County, Michigan, to regulate and restrict the location and use of land and buildings to meet the need for food, fiber, energy and other natural resources; designating the location of, the size of, the uses that may be made of, the minimum open spaces, sanitary, safety and protective measures that shall be required for, and the maximum number of families that may be housed in dwellings, buildings and structures for trade, industry, residence and for public and semi-public or other specified uses; to regulate and limit the height and bulk of buildings and other structures; to regulate and to determine the size of yards, courts and open spaces; to regulate and limit the density of population; and for said purposes to divide the township into districts and establishing the boundaries thereof, to provide for special land uses; to provide for districts with specific land management objectives; to provide for the acquisition of non-conforming property; to provide for a method for the adoption of ordinances and amendments thereto; to provide for emergency interim ordinances; to provide for administering or ordinances and boundaries of such districts; defining certain terms used herein; providing for enforcement; establishing a Board of Appeals; imposing penalties for the violation of this ordinance; and to provide for the collection of fees for permits.

THE TOWNSHIP OF WEST TRAVERSE ORDAINS:

ARTICLE I

TITLE

101 SHORT TITLE

This Ordinance shall be known as the "**WEST TRAVERSE TOWNSHIP ZONING ORDINANCE**" and shall be referred to herein as "this Ordinance."

ARTICLE II

DESIGNATION AND PURPOSE OF ZONING DISTRICTS AND ZONING MAP

201 ZONING DISTRICTS

Within any district, no structure or premises shall hereafter be used, erected, converted or altered (See definition Sec. 602) externally in whole or in part if said use or structure is not in accordance with the intent of the applicable section of this Ordinance, except as otherwise provided in this Ordinance.

The following zoning districts are hereby established. (Permitted and Special Land Uses and structures for each district are listed in Article III of this Ordinance). Uses or structures not listed shall be prohibited in such district.

- A-1 Agricultural and Forest District
- A-1-A Agricultural and Forest District - no common wall structures R-1 Single Family and Two-Family District
- R-1-A Single Family Residential District - no common wall structures R-2 Transitional Residential District
- C-I Commercial-Light Industrial District
- S-1 Public District
- W-1 Waterfront Overlay District

202 ZONING MAP

The areas comprising the zoning districts and the boundaries of said districts are hereby established as shown on the official zoning map entitled "ZONING MAP, WEST TRAVERSE TOWNSHIP, EMMET COUNTY, MICHIGAN."

202:1

The Zoning Map, which together with any explanatory matter thereon, is hereby adopted by reference and declared to be a part of this Ordinance.

202:2

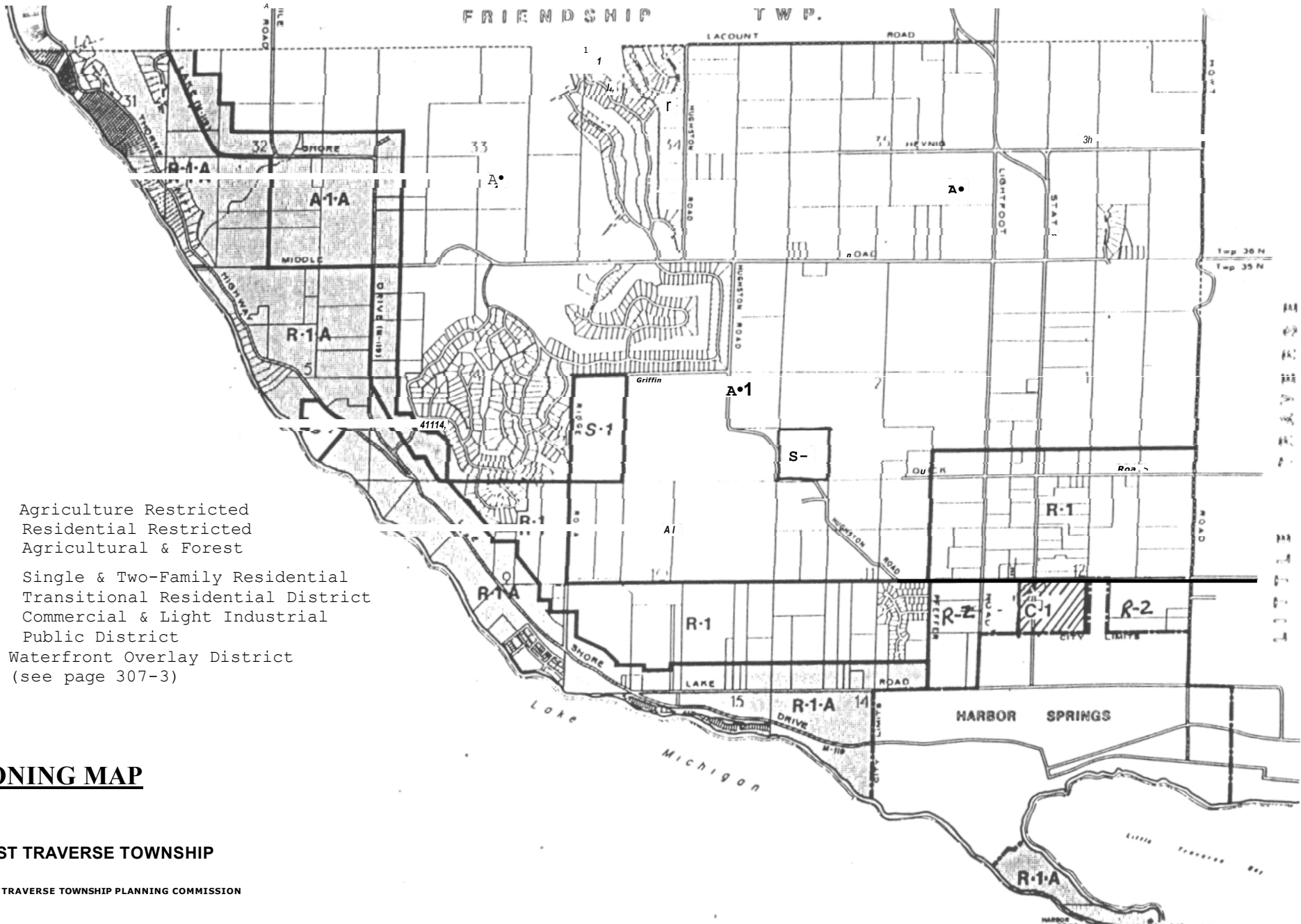
The Zoning Map shall be maintained in West Traverse Township and shall show all changes which are made in district boundaries according to procedures set forth in this Ordinance.

202:3

District boundary lines as shown on the Zoning Map, unless otherwise indicated, shall be construed as following lot lines, West Traverse Township limits lines, centerlines of highways, streets, roads, alleys, easements, railroads, streams, rivers, lakes, or those centerlines extended or projected.

202:4

Questions concerning district boundary lines as show on the Zoning Map shall be decided by the Zoning Board of Appeals after recommendation by the Planning Commission.



- A-1-A Agriculture Restricted
- R-1-A Residential Restricted
- A-1 Agricultural & Forest
- R-1 Single & Two-Family Residential
- R-2 Transitional Residential District
- C-1 Commercial & Light Industrial
- S-1 Public District
- W-1 Waterfront Overlay District
(see page 307-3)

ZONING MAP

WEST TRAVERSE TOWNSHIP

WEST TRAVERSE TOWNSHIP PLANNING COMMISSION



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ARTICLE III PERMITTED USES BY DISTRICT

301 A-1 and A-1-A AGRICULTURAL AND FOREST DISTRICT

The A-1 and A-1-A Districts are established in recognition of the areas of sparse development customarily occurring in agriculturally oriented communities. The areas which comprise the majority of this zoning district contain the principal agricultural activities and the uses which are customarily associated with or accessory to the agricultural activities. It is not intended that high concentration of development be permitted in this district except as authorized by this Ordinance. Uses which are not of an agricultural nature may be permitted in this district as Special Land Uses provided they comply with the applicable standards, pertaining to Special Land Uses as outlined in Section 301:3 and the regulations and standards of Section 501 of this Ordinance.

301:1 PERMITTED PRINCIPAL USES AND STRUCTURES

The following principal uses and structures in the A-1 and A-1-A Districts shall be subject to the area, location and height restrictions as specified in Section 306 Schedule of A-1 and A-1-A District Regulations and any other more restrictive laws, regulations, or codes which are legally in force.

1. General farming including gardening, crop raising, nurseries, tree farming, the raising or keeping of livestock except as prohibited by this Ordinance, and other similar agricultural and silvicultural activities.
2. Single family dwellings.
3. Two family dwellings - permitted in the A-1 District only. (See Section 402:11).
4. Mobile homes - the unit shall be supported by a solid, enclosing masonry foundation or on a foundation of solid masonry piling which meets the manufacturer's specifications and is securely anchored to the ground. The mobile home shall meet the minimum floor area and width requirements for single-family dwelling. When masonry piling supports are used, the mobile home shall be skirted or enclosed with a durable weather resistant material which is compatible with the mobile home. All such skirting to be maintained in place as designed.
5. Livestock farms and ranches, dairy farms and poultry farms provided there is no slaughtering, rendering, tanning or similar processing on the premises except for the private use of the processed product by the occupants.

301:2 ACCESSORY USES AND STRUCTURES:

Permitted accessory uses and structures in the A-1 and A-1 -A District shall be subject to the area, location and height restrictions as specified in the Schedule of A-1 and A-1 -A District Regulations.

1. Private garages and carports (Refer to Sec. 402:13 on page 402-3)

Farm buildings, with or without storage yards, when located a minimum of one hundred (100) feet from all property lines.
3. Stands for display or sales of agricultural products raised on the premises provided that there shall be no more than one (1) stand for each premises and also provided that the size of any such stand shall not exceed four hundred (400) square feet in floor area. Stands are not allowed on the road right-of-way.
4. Outside storage of privately owned major recreational equipment including or similar to campers, boats, travel trailers, snowmobiles, etc. provided that said equipment shall be unoccupied and shall be located in a rear yard only.
5. Seasonally occupied campers and trailers may be occupied for a maximum period of thirty (30) days provided that health department approved sanitary facilities are available in the trailer or on site.
6. Any other accessory uses and structures which are determined by the Planning Commission to be customary and similar to the above listed accessory uses and structures and which are clearly incidental to any of the principal uses and structures.

301:3 SPECIAL LAND USES AND STRUCTURES

All of the following special uses and structures allowed in this district shall be subject to all the restrictions, regulations and conditions of this section, Section 403, 501, and other applicable requirements of this Ordinance or to more restrictive laws, regulations or codes which are legally in force.

1. Multiple Family Dwellings, Townhouses and Housing for the Elderly - Not permitted in the A-1-A District. (See Section 402:11).

Multiple Family Dwellings, Townhouses and Housing for the Elderly - A-1 District.

- a. The site, lot, parcel, etc. shall have a minimum area of two (2) acres per dwelling unit.

- b. There shall be a minimum distance of fifty (50) feet between any building and any property line. The maximum height of any building shall not exceed two stories and be no greater than thirty-five (35) feet in height.
- c. On-site parking shall be provided at a ratio of two (2) parking spaces per dwelling unit. Entrance and exit drives shall be provided to permit safe and convenient access between parking areas and approved public or private roadways. Parking areas and drives shall be improved with compacted gravel, stone or a hard surfaced material and shall be well drained. For projects involving more than four dwelling units, the Planning Commission may require the drive and parking areas to be hard surfaced.
- d. Any lighting on the premises, for parking area, yard lighting, sign lighting or other similar types of exterior lighting shall be a white steady light with the source not visible off the premises.
- e. All multiple family parking and service areas which abut a developed or zoned residential lot or parcel shall be screened with an ornamental fence, wall, berm or planted materials. Said screen shall obscure vision and provide separation between the two uses. The type of screening and its height shall be determined by the Planning Commission. Where, in its judgment, such screening shall serve no useful purpose, such requirement may be waived by the Commission.

2. Home Occupations

- a. Home occupations are those that clearly fall within the definition contained in this Ordinance.
- b. Occupant(s) must be actively engaged in the home occupation and may employ a maximum of one (1) person who is not an occupant of the dwelling unit.
- c. Home occupations shall not require exterior alterations of the dwelling unit.
- d. One sign shall be permitted with a maximum area of two (2) square feet.
- e. No stock in trade may be kept or article sold or offered for sale in the dwelling except such as are produced by such home occupation. No merchandise shall be displayed or sold outside the dwelling unit anywhere on the premises.
- f. On-site parking shall be provided in other than the required front yard at a ratio of one (1) parking space for each one hundred (100) square feet of building area used for home occupation purposes.

- h. No home occupation shall be conducted in whole or in part in any breezeway, porch, patio, and the like.
 - j. No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors or electrical interference detectable to the normal senses of persons off the lot. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference with any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises.
3. Convalescent or Nursing Home (includes Adult Foster Care) - not permitted in the A-1-A District.
- a. The site, lot or parcel shall have a minimum area of one (1) acre for the first six (6) residents with one (1) additional acre for each four residents after the first six.
 - b. On-site parking shall be provided at a ratio of one (1) space for each three residents plus one (1) space for each two full time employees. Entrance and exit drives shall be provided to permit safe and convenient access. Parking areas and drives shall be improved with compacted gravel, stone, or hard surfaced material and shall be well drained.
 - c. Any lighting on the premises for parking areas, yards, signs or other similar types of exterior lighting shall be white steady light with the source not visible off the premises.
 - d. Proposals for housing shall meet all local, state and federal regulations. 4.
4. Soil Removal
- a. The lot or parcel used for soil removal shall have a minimum area of ten (10) acres.
 - b. Sand and gravel mining or extraction, quarry excavating, and similar removal operations must satisfy that sufficient material to be mined or extracted exists on the site in question to justify such operation, and that such use would not be detrimental to other permitted land uses in the zoning district.
 - c. Site Reclamation. Plans for final grading and land reclamation shall be in general accordance with the character of uses and natural features on adjoining lands to the extent practical.

5. Bed and Breakfast Establishments

- a. Bed and Breakfast establishments shall be permitted in this zoning district only after the requirements of state law and/or township ordinance have been met.
- b. Front yard, rear yard, and side yard requirements shall conform to permitted land uses in the A-1 and A-1 -A zoning districts.
- c. No alteration or modification shall be made to the Bed and Breakfast establishment without Planning Commission approval.
- d. On-site parking shall be provided in an amount determined by the Planning Commission, but not less than one (1) space per rented room, plus two (2) spaces for owner/operator. Entrance and exit drives shall permit safe and convenient flow between parking areas and the public access roadway. Parking areas and drives shall be improved with compacted gravel, stone or hard-surfaced material and shall be well drained.
- e. Not more than twenty-five percent (25 %) of the total floor area of the dwelling unit shall be used for Bed and Breakfast sleeping rooms. The site plan shall include an interior floor plan designating the rooms to be used for Bed and Breakfast.
- f. There shall be no separate cooking facilities used for the Bed and Breakfast stay.
- g. One sign with a maximum area of two (2) square feet shall be permitted to identify the Bed and Breakfast.

6. Hotels, Motels, Clubs or Lodges

- a. The site, lot or parcel accommodating a hotel, motel, club or lodge shall have a minimum area of two (2) acres, with a maximum density of ten (10) rooms and/or rental units per acre.
- b. Buildings shall be located not less than fifty (50) feet from any property line. The maximum height of said building shall not exceed two (2) stories and be no greater than thirty-five (35) feet in height.
- c. On-site parking at the ratio of one (1) space for each lodging room plus one (1) space for each three (3) full time employees. For multiple use of the facility, parking space shall be provided as though each use were on a separate site or lot. Entrance and exit drives shall be provided to permit safe and

convenient access. Parking areas and drives shall be improved with a hard surfaced material and shall be well drained.

- d. Any lighting on the premises, for parking areas, yard lighting, sign lighting or other similar types of exterior lighting shall be a white, steady light with the source not visible off the premises.
- e. All hotels, motels, clubs or lodges which abut a developed or zoned residential lot or parcel shall be screened with an ornamental fence, wall, berm, or planted materials. Said screen shall obscure vision and provide separation between the two uses. The type of screening and its height shall be determined by the Planning Commission. Where in its judgment such screening shall serve no useful purpose, such requirement may be waived by the Commission.

7. Mobile Home Park

a. All of the following shall be complied with:

- (1) The regulations promulgated by the State Mobile Home Commission
- (2) The minimum standards for mobile home parks established by the State Department of Public Health
- (3) The Mobile Home Commission Act (1987 P.A. 96, as amended; MCL 125.2301, et seq.).
- (4) Density for a mobile home park shall be a minimum of two (2) acres per dwelling unit.

b. Reference is hereby made to Sections 11, 12, and 13 of the Mobile Home commission Act which require, among other things, that the following provisions be met:

- (1) A person who desires to develop a mobile home park shall submit a preliminary plan to:
 - West Traverse Township Planning Commission.
 - District Health Department No. 3 (Emmet County).
 - Emmet County Road Commission.
 - Emmet County Drain Commission

The preliminary plan shall include the location, layout, general design, and a general description of the project. The preliminary plan shall not include detailed construction plans.

- (2) The developer must submit the preliminary approvals with the final plans to the State Department of Public Health for review.
 - (3) When all preliminary approvals are obtained, the developer shall submit any required documents and final plans to the Michigan Department of Commerce for approval.
 - (4) No person shall construct a mobile home park without having obtained a permit (of approval) issued by the Michigan Department of Commerce.
- c. No mobile home or any other building within a mobile home park shall be closer than fifty (50) feet from any road and/or property line.
 - d. All roads, drives and parking areas within a mobile home park shall be hard surface as defined in this Ordinance.
 - e. There shall be a greenbelt planting strip with a width of not less than twenty (20) feet along the property lines and may be within the fifty (50) foot yard required in Section C. Such green belt shall contain at least one (1) straight or staggered row of deciduous and/or evergreen trees, spaced not more than forty (40) feet apart and at least three (3) rows of deciduous or evergreen shrubs spaced not more than eight (8) feet apart and which grow to an ultimate height of twelve (12) feet. This requirement may be waived by the Planning Commission.

8. Public Utilities Facilities

- a. The public utilities facility may be located within the district when operating requirements are necessary to serve the immediate vicinity.
- b. The site, lot or parcel accommodating the public utilities facility shall meet the minimum area requirements for the district.
- c. Any buildings or structures shall be located not less than forty (40) feet from any property line. The maximum height of the building shall be thirty-five (35) feet.
- d. Any lighting on the premises for yard lighting, sign lighting or other similar types of exterior lighting shall be a white, steady light with the source not visible off premises.

- e. The site may be used for temporary parking of service or maintenance vehicles but shall not be used for the storage of equipment, supplies or construction or operating materials.
- f. Any property line abutting a residential lot or parcel shall be screened with an ornamental fence, wall or planted materials. Said screen shall obscure vision and provide separation between the two uses.

9. Transmission and Receiving Towers

- a. The site, lot or parcel accommodating a transmission or receiving tower shall meet the minimum lot area, width, accessibility or other standards as required in the district where located.
 - b. Buildings shall not be located less than forty (40) feet from any property line and shall be limited to uses associated with the operation of the tower. The maximum height of said buildings shall be thirty-five (35) feet.
 - c. Any antennae, towers, masts, including supports or similar structures shall be so located on the property that the base of the structure shall be no closer to any property line than a distance equal to one and one-half (1-1/2) times the height of the structure.
 - d. The base of the tower, supports and buildings, shall be enclosed with a chain link fence a minimum of six (6) feet in height.
 - e. All towers shall meet the standards of the Federal Communications Commission and the Federal Aviation Administration.
 - f. Site and construction plans shall be certified by and carry the seal of a registered structural engineer.
- 9 To avoid proliferation of towers, a tower must be capable of accommodating multiple users under a sharing of cost.
- h. Occasional or temporary parking of service or maintenance vehicles is permitted, however, the parcel shall not be used as a storage site for equipment, supplies, construction or operating materials.
 - i. Tower lighting shall meet the requirements of the Federal Communications Commission and the Federal Aviation Administration. Other on premises lighting shall be restricted to the minimum required for safety.
 - j. Advertising of any kind shall not be displayed except as required for emergency purposes.

k. The tower shall be removed by the property owner or lessee within six (6) months of termination of use.

l. There shall be no on-site living facilities

10. Recreational and Athletic Areas

a. Recreational areas and athletic areas may include playgrounds, golf driving ranges, ball fields, and similar public or private uses as determined by the Planning Commission.

b. The site, lot, parcel, etc. accommodating such recreational or athletic area shall have a minimum area of three (3) acres.

c. Buildings shall not be located less than forty (40) feet from all property lines. The maximum height of said buildings shall be thirty-five (35) feet.

d. Retail businesses may be permitted on the facility site when incidental to the principal activity on the premises. Retail services shall be limited to and remain within the confines of the site and be directed to the users of the recreation facility.

e. On-site parking shall be provided in sufficient numbers to eliminate of site parking as determined by the Planning Commission. Entrance and exit drives shall be provided to permit safe and convenient access between parking areas and approved public or private roadways. Parking areas and drives shall be improved with compacted gravel, stone or a hard surfaced material and shall be well drained.

f. Any lighting on the premises for parking areas, activity lighting, sign lighting or other similar types of exterior lighting shall be a white, steady light which is not visible off the premises.

g. All parking and service areas which abut a developed or zoned residential lot or parcel shall be screened with an ornamental fence, wall, berm or planted materials. Said screen shall obscure vision and provide separation between the two uses. The type of screening and its height shall be determined by the Planning Commission. Where, in its judgment, such screening shall serve no useful purpose, such requirement may be waived by the Planning Commission.

11. Governmental Administration Facilities, Cemeteries

Cemeteries - minimum of ten (10) acres required.

Government Administration Building - minimum of two (2) acres.

12. Regulation Golf Courses, Public and Private, including clubhouses and structures accessory to the golf course. Minimum of forty (40) acres.
13. Schools, Public or Private, not operated for profit
Minimum of ten (10) acres - 40 foot setback from all property lines.
14. Religious Institutions, Churches, Synagogues, Temples, etc.
Minimum of two (2) acres.
15. Timber and Tree Products Production
Minimum of forty (40) acres with 100-foot setbacks for any structure from any property line.
16. Kennels
Minimum of four (4) acre parcel with 300-foot width and 100 foot setbacks from any property line. Maximum structure height - 35 feet.
17. Public Riding Stables
Minimum of four (4) acres, 300-foot width, setbacks 100 feet from any property line. Maximum structure height - 35 feet.
18. Planned Unit Development. –

This section was deleted on June 8, 2004 and replaced by Section 404

19. Site Unit Condominiums

a. Intent

The intent of this Special Use is to provide minimum standards and guidelines for review of Site Unit Condominium projects so they will comply with accepted planning and engineering standards applicable to similar forms of development. It is further intended that this permitted use encourage a more creative approach to development through the planned reduction or grouping of lots while maintaining the overall density of the Zoning District.

b. Site Unit Condominiums shall be submitted for site plan review according to the guidelines set forth in Section 403 of this ordinance. The plan submitted shall include:

1. Condominium Subdivision plan as described in the Michigan Condominium Act, or Site Plan as described in Section 403 of this Ordinance.
2. A plan delineating all natural features on the site including, but not limited to, flood plains, wetlands, and woodlands areas.
3. A copy of the Master Deed and any other restrictive covenants concerning the project.
4. A copy of any easements, leases or other agreements involving the project.

c. Review Procedure

The review procedure shall consist of the following two steps:

1. Preliminary Plan Review - in the preliminary review phase, the Planning Commission shall review the overall plan for the site including basic road and unit configurations and the conformance of the plans with all applicable provisions of the West Traverse Township Zoning Ordinance. Plans submitted for preliminary review shall include information specified in Items 1 and 2 of the Submission Requirements. A Public Hearing will be scheduled as required in Section 501:3 (4).

2. Final Plan Review - upon receipt of preliminary plan approval, the applicant shall prepare the appropriate engineering plans and apply for final review by the Planning Commission. Final plans shall include the Condominium Subdivision Plan. Such plans and information shall be reviewed by the township attorney, planner, and engineer, where applicable.

d. Private Streets

If a project is proposed to have private streets, the Township Planning Commission may require that the private streets be developed to the minimum design, construction, inspection, approval and maintenance requirements of the Emmet County Road Commission.

The area dedicated to private roads may be included in the total site area for purposes of density calculations. The area dedicated to public roads shall be excluded. (added 6/4/03)

e. Master Deed Contents

All provisions of the project that are approved or required by the Township Planning Commission must be incorporated in the Master Deed for the project

f. Zoning District Requirements

The development of all Site Unit Condominiums shall observe all applicable requirements of the zoning district within which the project is located including, but not necessarily limited to, yard setback, minimum floor area, density, accessory buildings and permitted uses, but not including lot size. Setback requirements shall apply to private as well as public roads.

g. Set Aside Area

For all areas gained through the reduction or grouping of lots, an equal area shall be set aside for the exclusive common use of the lot owners or residents within the development. This area shall be under legal procedure which shall grant a covenant or deeded interest therein so that it shall be assured of remaining undeveloped.

20. Retail Sales Facilities (revised 11/30/01)

It is not intended that retail sales facilities be allowed other than in the Commercial-Industrial District (C-I). However, there may arise situations and uses which would better serve the community in locations other than C-1 District.

- a. Retail sales may be any small item convenience use deemed by the Planning Commission to be of a character compatible with the surrounding area.
- b. The lot or parcel accommodating the retail sales facility shall have a minimum area and width as required in the District where located.
- c. Buildings shall be located not less than fifty (50) feet from street property lines and twenty-five (25) feet from all other property lines. The maximum height of said buildings shall not exceed two stories and be no greater than thirty-five (35) feet.
- d. On site parking shall be provided in other than the required front yard at a ratio of one (1) parking space for each two hundred fifty (250) square feet of the structure's gross floor area. Entrance and exit drives shall be provided to permit safe and convenient access between parking area and approved public or private roadways. Parking areas and drives shall be improved with compacted gravel, stone or hard surfaced material and shall be well drained.
- e. Any lighting on the premises for parking areas, yard lighting, sign lighting or other similar types of exterior lighting shall be a white steady light with the source not visible off the premises.
- f. Retail sales establishments shall be screened on all sides which abut a developed or zoned residential lot or parcel. The type and height of screen shall be determined by the Planning Commission. The screen shall obscure vision and provide a separation between the uses. Where, in its judgment, such screening shall serve no useful purpose, such requirement may be waived by the Planning Commission.

302 R-1 and R-1-A - RESIDENTIAL DISTRICT

The R-1 and R-1-A Districts are established to provide areas of general residential development. Desired development includes single-family and two-family dwellings.

302-1 PERMITTED PRINCIPAL USES AND STRUCTURES

All permitted principal uses and structures in the R-1 and R-1-A districts hereafter listed shall be subject to the area, location and height restrictions as specified in Section 306:2 Schedule of R-1 and R-1-A District Regulations or such other more restrictive laws, regulations, or codes which are in effect.

1. Single Family Dwellings
2. Two Family Dwellings - permitted in R-1 District only (See Sec. 402:11).
3. Agriculture: crop raising, nurseries, tree farms, gardening and other similar activities. (Livestock is excluded).

302:2 ACCESSORY USES AND STRUCTURES

All permitted accessory uses and structures in the R-1 and R-1-A Districts hereafter listed shall be subject to the area, location, and height restrictions which are applicable to the principal use to which they are incident, and as, specified on the accompanying schedule of District Regulations or to more restrictive laws, regulations or codes which are legally in force.

1. Private garages and carports. (Refer to Sec. 402:13 on page 402-3)
2. Agricultural Buildings when located a minimum of one hundred (100) feet from any property line.
3. Outside storage of privately owned major recreational vehicles and equipment, including or similar to campers, boats, travel trailers, snowmobiles, provided that such equipment shall be unoccupied and shall be located in a rear or side yard only.
4. Campers and trailers may be temporarily occupied for a maximum period of thirty (30) days provided that sanitary facilities are available in the trailer or on site.
5. Any other accessory uses and structures which are determined by the Planning Commission to be customary and similar to the above listed accessory uses and structures and which are clearly incidental to any of the permitted principal uses and structures. These uses and structures shall be processed as special land uses.

302:3 SPECIAL LAND USES AND STRUCTURES

Special Land Uses and structures hereafter listed in this district shall be subject to all the restrictions, regulations and conditions of this section, Section 501, and all other applicable requirements of this Ordinance and to other restrictive laws, regulations or codes which are legally in force.

1. Multiple Family Dwellings, Townhouses and Housing for the Elderly - not permitted in the R-1-A District (See Section 402:11).

Multiple Family Dwellings, Townhouses and Housing for the Elderly - R-1 District subject to conditions and limitations, except density limitations, set forth in Section 301:3 (1)

- a. The site, lot or parcel shall have a minimum area of one (1) acre per dwelling unit.

2. Convalescent or Nursing Home (includes Adult Foster Care)

- a. The site, lot or parcel shall have a minimum area of one (1) acre for the first six (6) residents with one (1) additional acre for each four residents after the first six.
- b. On-site parking shall be provided at a ratio of one (1) space for each three residents plus one (1) space for each two full time employees. Entrance and exit drives shall be provided to permit safe and convenient access. Parking areas and drives shall be improved with compacted gravel, stone, or hard surfaced material and shall be well drained.
- c. Any lighting on the premises for parking areas, yards, signs or other similar types of exterior lighting shall be white, steady light with the source not visible off the premises.
- d. Proposals for housing shall meet all local, state and federal regulations.

3. Religious Institutions - (Churches, Synagogues, Temples, etc.)

Subject to conditions and limitations set forth in Sec. 301:3 (14).

4. Home Occupations - see Sec. 301:3 (2).

5. Bed and Breakfast Establishments - see Sec. 301:3 (5).

6. Hotels. Motels. Clubs. Lodges - see Sec. 301:3 (6).

7. Governmental Administration Facilities - including public parks and cemeteries. Cemeteries are required to have a minimum of ten (10) acres.

8. Schools, Public or Private (not operated for profit) - minimum of ten (10) acres and 40-foot setback from any property line.

9. Medical Clinics

- a. The site, lot or parcel accommodating a clinic shall have a minimum of one (1) acre for each ten (10) rooms or portion thereof
- b. Buildings shall be located not less than fifty (50) feet front all property lines. The maximum height of said buildings shall not exceed two stories and be no greater than thirty-five (35) feet.
- c. On-site parking shall be provided at a ratio of one (1) space for each two hundred (200) square feet of floor area. Parking areas and drives shall be improved with compacted gravel, stone or hard surfaced material and shall be well drained. -No parking shall be permitted in the required front yard.
- d. Any lighting on the premises for parking areas, yard lighting, sign lighting or other similar types of exterior lighting shall be a white, steady light with the source not visible off the premises.
- e. The clinic grounds abutting a developed or zoned residential lot or parcel shall be screened with an ornamental fence, wall, berm, or planted materials. Said screen shall obscure vision and provide separation between the two uses. The type of screening and its height shall be determined by the Planning Commission upon site plan review. Where, in its judgment, such screening shall serve no useful purpose, such requirement may be waived by the commission.

10. Public Utility Facilities - see Sec. 301:3 (8).

11. Private Riding Stables: (Revised 11/30/01)

- a. The site, lot or parcel accommodating a private riding stable shall have a minimum area of ten (10) acres plus at least one (1) acre of additional land for each full grown horse, in excess of two.
- b. The buildings shall be located not less than one hundred (100) feet from all property lines.
- c. All exercise areas, grazing areas and similar areas for the corralling of the horses shall be adequately fenced to ensure the containment of the horses.

12. Mobile Home Park - see Sec. 301:3 (7).

13. Planned Unit Development - see Sec. 301:3 (18).

14. Site Unit Condominiums subject to conditions and limitations as set forth in Section 301:3 (19).

15. Retail Sales Facilities - See 301:3(20) (Revised 11/30/01)

303 R-2 TRANSITIONAL RESIDENTIAL DISTRICT

The R-2 District is intended to serve as a transitional zone between the higher density zoning districts of the city and the lower density districts of the township. It is not intended that this district be expanded beyond its present boundaries.

303:1 PERMITTED PRINCIPAL USES AND STRUCTURES

Permitted uses and structures in the R-2 district shall be subject to the area location, and height restriction as specified in Sec. 306:3, R-2 District Regulations and/or other applicable requirements.

1. Single-Family Dwelling.

303:2 ACCESSORY USES AND STRUCTURES

Permitted accessory uses and structures in the R-2 District shall be subject to the area, location, and height restriction as specified in the Schedule of District Regulations.

1. Private garages and carports. (Refer to Sec. 402:13 on page 402-3)
2. Storage buildings for personal use. (Refer to Sec. 402:13 on page 402-3)
3. Outside storage of personally owned recreational vehicles and equipment, including or similar to campers, boats, travel trailers, snowmobiles provided that such equipment shall be located in the rear yard or side yard only.
4. Any other accessory uses and structures which are determined by the Planning Commission to be customary and similar to the above listed accessory uses and structures and which are clearly incidental to the permitted use or structure.

303:3 SPECIAL USES AND STRUCTURES

All special land uses and structures in this district shall be subject to the restrictions, regulations and conditions of this section, Sec. 501 and any other applicable requirements.

1. Two-family dwellings: The site, lot, or parcel used for any two family dwelling shall have a minimum land area of 22,000 square feet per dwelling unit.
2. Housing for the Elderly: Conditions set forth in Sec. 302:3 (2)
3. Public Utility Facilities: Refer to Sec. 301:3 (8).
4. Planned Unit Development: Refer to Sec. 301:3 (18).
5. Site Unit Condominiums: Refer to Sec. 301:3 (19)

304 C-I COMMERCIAL-LIGHT INDUSTRIAL DISTRICT

The C-I District is established to provide areas of general commercial and light industrial development for the location of uses which require the storage and/or operation of mechanical equipment and for uses which require large spaces in which to conduct a commercial operation. It is intended that any uses permitted do not create a nuisance to surrounding areas by the emission of noise, fumes, smoke, light, vibrations, odors or other similar by-products which are not compatible with the general atmosphere of the total community. It is not intended that residential development be permitted in this district except as authorized by this Ordinance.

304:1 PERMITTED PRINCIPAL USES AND STRUCTURES

1. Any customary office or service business conducted wholly within a building.
2. Retail Sales including, but not limited to, gas stations, convenience stores, restaurants, banks.
3. Storage of materials or goods to be serviced or sold at retail provided such stored material is within a building or is enclosed so as not to be visible to the public.
4. Open air business uses such as, but not limited to, retail sales of plant materials, nursery items and other home garden supplies.
5. The following uses conducted wholly within a building with a landscaped front yard and with the side or rear yard used for loading and customer and employee parking:
 - a. Any wholesale or retail business including warehouse and storage buildings.
 - b. Manufacturing processes or treatment of products, using light machinery such as tool and die shops and metal fabricating. Assembled or sub-assembled products, in their finished state, shall be such as to be easily portable.
 - c. Automobile repair and related services.
6. Outside storage of currently licensed cars, trucks and equipment necessary as an accessory to the principal use; finished and semi-finished manufactured materials produced on the premises (scrap materials produced on site or through the normal operation of the principal use) provided the following conditions are complied with. Accumulated scrap material removed from the premises on a regular basis as determined by the Planning Commission.
 - a. All storage will be located not less than fifty (50) feet away from any adjacent residential district.
 - b. A chain link fence, wall, or screen of planted material, shall enclose the storage area. The height and choice of fence, wall, or screening and the requirements of decorative slats to be used with the fence to most appropriately screen the stored materials from view, shall be determined by the Planning Commission upon site plan review.
 - c. The area located between the street and the fence, wall or screening shall be maintained in a neat and orderly manner.

- d. It is mutually understood by the applicant and the Planning Commission that whenever a different material is to be stored than agreed upon in the original request, a new approval shall be required from the Planning Commission.

304:2 SPECIAL LAND USES AND STRUCTURES

All special uses and structures in this district shall be subject to all the restrictions, regulations and conditions of this section, Section 501 and all other applicable requirements of this Ordinance and to other restrictive laws, regulations or codes which are legally in force.

1. Hotels, Motels and/or Timesharing Units:
 - a. The site, lot or parcel accommodating such use shall have a minimum area of (1) acre for each ten (10) units or portion thereof.
 - b. On-site parking at the ratio of one (1) space for each lodging room plus one (1) space for each three (3) full time employees. For compound use of the facility, parking space shall be provided as though each use were on a separate site or lot. Entrance and exit drives shall be provided to permit safe and convenient access between parking areas and approved public and private roadways. Parking areas and drives shall be paved with a hard surfaced material and shall be well drained.
 - c. All Hotel, Motel, and/or Timesharing units which abut a developed or zoned residential lot or parcel shall be screened with an ornamental fence, wall, berm or planted materials no less than five (5) feet high. Said screen shall obscure vision and provide separation between the two uses. The type of screening and its height shall be determined by the Planning Commission. Where, in its judgment, such screening shall serve no useful purpose, such requirement may be waived by the Commission upon site plan review.
2. New or Used Vehicle Sales Showrooms and Service Facilities:
3. Pet Shops: Including dog grooming, veterinary hospitals or veterinary clinics, provided all activities for any of the above uses are conducted within an enclosed building with no outside facilities.
4. Site Unit Condominiums: See 301:3 (19).

304:3 SITE PLAN, AREA, HEIGHT AND PLACEMENT REQUIREMENTS:

1. All development in this district shall require site plan approval by the Planning Commission prior to issuance of a building permit. Plans submitted for review shall comply with Section 403.

Before granting approval on any development in this district, the Planning Commission shall find that it will not tend to further:

- a. Impair the adequate supply of light and air to adjacent property.

- b. Increase the hazard from fire, flood and other dangers to said property and adjacent properties.
 - c. Diminish the market value of adjacent land and buildings.
 - d. Increase the congestion on the public streets.
 - e. Otherwise impair the public health, safety, comfort and general welfare.
2. Minimum width of any lot in this district shall be one hundred (100) feet.
3. Maximum height of any structure:
- a. In stories: Two (2)
 - b. In feet: Thirty-five (35).
4. Minimum yard setback per lot:
- a. Front: Fifty (50) feet fronting on state highway, county primary roads or other major collector roads and twenty-five (25) feet fronting on local streets as such roads and streets are identified by the County Road Commission.
 - b. Side: Twenty (20) feet

Where the sidewall of the structure faces a CI zoned parcel and contains no windows or other openings and is two-hour fire rated a minimum of five (5) foot set back may be approved. Where a side yard borders on any other zoning district there shall be a setback of not less than fifty (50) feet.
 - c. Rear: Twenty (20) feet. Where a rear yard borders on any other zoning district, there shall be provided a rear yard of not less than fifty (50) feet.
5. Lighting on the premises for parking areas, yard areas, sign lighting or other similar types of exterior lighting shall be a white, steady light, with the source not visible off the premises.
6. Parking: The minimum number of hard surface, off street parking spaces by type of use shall be determined in accordance with this Ordinance. For unspecified uses, the number of spaces shall be determined by the Planning Commission based on the most similar use for which parking space requirements are listed.
- a. Office and retail uses - One (1) parking space for each two hundred fifty (250) feet of gross floor area or 1 1/2 square feet of parking area for each square foot of gross floor area.
 - b. Open Air-Businesses - One (1) parking space for each one thousand (1,000) square feet of sales area.
 - c. Storage Yards - One (1) parking space for each two thousand (2,000) square feet of area.

- d. Motor Vehicle Sales and Service Establishments - One (1) parking space for each two hundred (200) square feet of useable floor area of the sales room and one (1) for each service stall in the garage.
 - e. Industrial Warehouse or Wholesale Establishments - One (1) space for every one and one-half (1-1/2) employees in the largest working shift or one (1) space per six hundred (600) square feet of gross floor area, whichever is greater.
 - f. No parking shall be permitted in the required front yard space within this district. Off street parking spaces shall be at least nine and one-half (9-1/2) feet by twenty (20) feet and a loading space shall be provided separate from parking with an area of fifteen (15) feet by thirty (30) feet, where deemed appropriate by the Planning Commission upon site plan review.
7. Any commercial, service and/or industrial establishment shall be screened on all sides which abut a developed or zoned residential lot or parcel. Said screen shall be determined by the Planning Commission at the site plan review, as either an ornamental fence or wall, berm or planted materials such as trees or shrubs which shall obscure and provide a separation between the two uses.

305 S-1 PUBLIC DISTRICT

The S-1 Public District is established to provide scenic, open space and recreational areas for use by the general public. It is intended that these areas be owned, leased or similarly under the control of a governmental unit; school district, municipality, township, county, state or federal. It is not intended that residential, commercial or industrial development be permitted except as may be incidental to the principal public use.

All principal uses and accessory uses in the S-1 District shall be considered Special Land Uses and subject to review by the Planning Commission prior to Township Board approval. Approval for any listed permitted use in this district may be obtained provided the provisions of Section 501 are met and the following conditions are complied with:

1. Proposed use or structure must be owned, leased, or otherwise under the jurisdiction of a governmental unit; school district, municipal, township, county, state, or federal.
2. Controlling governmental unit will be responsible for the submittal to the Planning Commission of any plans, reports or any other applicable type of information indicating proposals for development, maintenance and upkeep which the Planning Commission deems necessary.
3. Proposed use, when open, shall be available for use by the general public.
4. Proposed use shall be in harmony with and compatible with the surrounding and adjacent development and shall not, in any way, in the opinion of the Township Board, be a nuisance to West Traverse Township, its citizens or property owners.

305:1 PRINCIPAL USES AND STRUCTURES S-1 DISTRICT

1. Major outdoor public recreation uses including or similar to but not limited to:

a. boating areas	b. fishing sites
c. camping areas	d. picnic areas
e. parks and playgrounds	f. golf courses
g. swimming areas	h. foot paths
2. Natural open spaces including or similar to but not limited to:
 - a. conservation lands
 - b. wildlife preserves
 - c. forest preserves
3. Developed open spaces including or similar but not limited to:
 - a. botanical gardens
 - b. scenic area

305:2 ACCESSORY USES AND STRUCTURES S-1 DISTRICT

1. Service buildings without storage yards.
2. Playground equipment.
3. Sanitation facilities.

4. Monuments, signs or plaques excluding commercial advertising devices.
5. Public utilities facilities without storage yards.
6. Shelters.
7. Parking areas.

306 SCHEDULE OF REGULATIONS QUICK REFERENCE GUIDE

See 306:3, 306:4 and 306:5 on the following pages.

306:1 MINIMUM LOT REQUIREMENTS

1. **LOT AREA:** The minimum lot area required in each district shall be exclusive of road rights-of-way and road easement areas.
2. **LOT WIDTH:** The horizontal distance between the side lot lines, measured at the setback line, which is not necessarily parallel to road rights-of-way. In the case of irregular shaped lots, the width shall be measured on a line drawn perpendicular to a line that bisects the front and rear lot lines at a point midway between the front and rear lot lines.
3. **LOT DEPTH:** The horizontal distance between the front and rear lot lines, measured along the median between the side lot lines.
4. **SETBACKS:**
 - a. **From Road Right-Of-Way:** No building or structure shall be closer to a road right-of-way than the minimum front yard requirement of its zoning district.
 - b. **From Road Easement(s):** All lots or parcels or property that front upon an approved road easement or are transversed by a road easement that is used by the subject parcel and/or some other lot or parcel for road and/or access purposes, shall have all setbacks and required yards measured from the nearest boundary line of such easement to the proposed structure, building, or other improvement of the subject parcel or lot.
 - c. **From Lake Front:** The setbacks shall be a minimum of sixty (60) feet, measured from the record high water mark of 1986 as determined by the U. S. Army Corps of Engineers, said mark is 581.99 feet. (See Sec. 307 Waterfront Overlay)

306:2 PRIVATE ACCESS WAYS

Private access ways other than those in a Platted Subdivision, Single Family Site Unit Condominiums, or Planned Unit Developments, shall meet all of the following:

1. A minimum of thirty (30) feet right-of-way or road easement, except along an abutting property line in which case the minimum shall be thirty-five (35) feet.
2. The roadbed shall be a minimum of five (5) feet from both sides of the easement except along an abutting property line the roadbed shall be a minimum of ten (10) feet from said line.
3. A private access way shall be constructed and maintained in such a way as to be accessible and useable to all emergency vehicles.
4. A site plan shall be submitted for review as set forth in Section 403 of this Ordinance.

Any road not meeting Emmet County Road Commission specifications will not be accepted as a public road by West Traverse Township or the Emmet County Road Commission.

SECTION 306

SCHEDULE OF REGULATIONS - QUICK REFERENCE GUIDE

306:3 SCHEDULE OF A-1 AND A-1-A DISTRICT REGULATIONS

<u>Permitted Uses</u>	<u>Minimum Lot Size</u>		<u>Minimum Yard</u>			<u>Maximum Height</u>
	<u>Area</u>	<u>Width</u>	<u>Front</u>	<u>Rear</u>	<u>Side</u>	
2. Single Family Dwellings	2 acres	200 ft.	40 ft.	40 ft.	20 ft.	35 ft.
3. Two Family Dwellings	4 acres	300 ft.	40 ft.	40 ft.	20 ft.	35 ft.
4. Mobile Homes	2 acres	200 ft.	40 ft.	40 ft.	20 ft.	35 ft.
5. Livestock, Dairy and Poultry Farms	10 acres	300 ft.	(listed under special uses)			

Accessory Uses

- | | |
|---------------------------------|--|
| 1. Farm Buildings | 4. Storage Buildings |
| 2. Private Garages and Carports | 5. Outside Storage of Recreational Equipment |
| 3. Private Swimming Pools | 6. Any Other - Determined by Planning Commission |

Special Uses and Structures

- | | |
|-------------------------------------|--|
| 1. Multiple Family Dwellings | 11. Governmental Administration Facilities, Cemeteries |
| 2. Home Occupations | 12. Regulation Golf Courses, Private & Public |
| 3. Convalescent or Nursing Home | 13. Schools, Public or Private |
| 4. Soil Removal | 14. Religious Institutions |
| 5. Bed & Breakfast Establishments | 15. Timber and Tree Products Production |
| 6. Hotel, Motels, Clubs & Lodges | 16. Kennels |
| 7. Mobile Home Parks | 17. Public Riding Stables |
| 8. Public Utilities Facilities | 18. Planned Unit Development |
| 9. Transmission & Receiving Towers | 19. Site Unit Condominiums |
| 10. Recreational and Athletic Areas | 20. Retail Sales Facilities |

SECTION 306
SCHEDULE OF REGULATIONS QUICK REFERENCE GUIDE
306:4 SCHEDULE OF R-1 AND R-1A DISTRICT REGULATIONS

<u>Permitted Uses</u>	MINIMUM LOT SIZE		MINIMUM YARD			Maximum Height
	Area	Width	Front	Rear	Side	
1. Single Family Dwellings	1 acre	150 ft.	40 ft.	40 ft.	20 ft.	35 ft.
2. Two Family Dwelling	2 acres	250 ft.	40 ft.	40 ft.	20 ft.	35 ft.
3. Agricultural (crop raising)	N/R	N/R	N/R	N/R	N/R	N/R
<u>Accessory Uses & Structures</u>						
1. Private Garages & Carports			4. Storage Buildings			
2. Private Swimming Pools			5. Agriculture Buildings			
3. Playground Equipment			6. Outside Storage of Recreational Equipment			
<u>Special Uses and Structures</u>						
1. Multiple Family Dwellings			9. Medical Clinics			
2. Convalescent or Nursing Homes			10. Public Utility Facilities			
3. Religious Institutions			11. Private Riding Stables			
4. Home Occupations			12. Mobile Home Park			
5. Bed and Breakfast Establishments			13. Planned Unit Developments			
6. Hotels, Motels, Clubs & Lodges			14. Site Unit Condominiums			
7. Governmental Administration Facilities, Cemeteries			15. Retail Facilities			
8. Schools, Public or Private						

SECTION 306
SCHEDULE OF REGULATIONS – QUICK REFERENCE GUIDE
306:5 SCHEDULE OF R-2 DISTRICT REGULATIONS

<u>Permitted Uses</u>	MINIMUM LOT SIZE		MINIMUM YARD			Maximum Height
	Area	Width	Front	Rear	Side	
1. Single Family Dwellings	22,000 sq. ft.	100 ft.	40 ft.	40 ft.	15 ft.	35 ft.

Accessory Uses & Structures

1. Private Garages and Carports
2. Storage Buildings
3. Outside storage of recreational equipment
4. Private swimming pools & playground equipment

Special Uses and Structures

1. Two Family Dwellings
2. Housing for the Elderly
3. Public Utilities Facilities
4. Planned Unit Developments
5. Site Unit Condominiums

307 W-1 WATER FRONT OVERLAY DISTRICT

STATUTORY AUTHORITY

City and Village Zoning Act, P.A. 207 of 1921, MCLA 125-581 et seq.;
Township Rural Zoning Act, P.A. 184 of 1943, MCLA 125.271 et seq.; County
Rural Zoning Enabling Act, P.A. 183 of 1943, MCLA 125.201 et seq.;
Soil Erosion and Sedimentation Control Act, P.A. 347 of 1972, MCLA 282-101 et seq.;

1. PURPOSE AND INTENT

The Waterfront Overlay District is enacted to implement a protection strategy for the West Traverse Township waterfront resource. The purpose and intent of the Waterfront Overlay District is based on the recognition that:

- a. The economic and environmental well being of West Traverse Township is predicated on the preservation of its waterfront resource.
- b. Waterfront properties have unique physical, economic and social attributes.
- c. The existing viewsheds of waterfront property owners should be preserved.
- d. Many of the landscape features found in the waterfront district are susceptible to wind and wave erosion and should be protected from adverse human impact.
- e. Future land development and redevelopment should not be conducted at the expense of the West Traverse Township's natural features.
- f. The natural features of the waterfront district should be preserved and maintained for all West Traverse residents.

2. WATERFRONT OVERLAY DISTRICT

The areas affected by the provisions of the Waterfront Overlay District are designated on the map attached as Exhibit A; entitled "Waterfront Overlay Map." Only the portion of a property which is within the Waterfront Overlay District is affected by these provisions.

3. APPLICATION AND USE

The following application and uses are governed by this Ordinance. In the event that regulations imposed by this ordinance are in conflict with the underlying zoning district, the regulations imposed by this overlay district shall prevail to the extent of such conflict and no further.

a. Natural Vegetation

To minimize erosion, stabilize the coast, protect water quality, preserve wildlife habitat, and maintain aesthetic values, a natural vegetation strip shall be maintained, to the maximum extent possible, between the ordinary high

water mark and the landscape predominated by forest vegetation. To preserve the fragile and transient nature of the beach/dune landscape, whenever possible, the lakeshore side of all structures, except those listed in 3-B, should be located within the landscape predominated by forest vegetation (*) rather than within the beach/dune (**) landscape. Natural ground cover shall be preserved to the fullest extent feasible and where removed it shall be replaced with native vegetation that is equally effective in retarding runoff, preventing erosion and preserving natural beauty. Attempts should be made to incorporate existing mature trees into the design, with trimming for filtered views whenever possible.

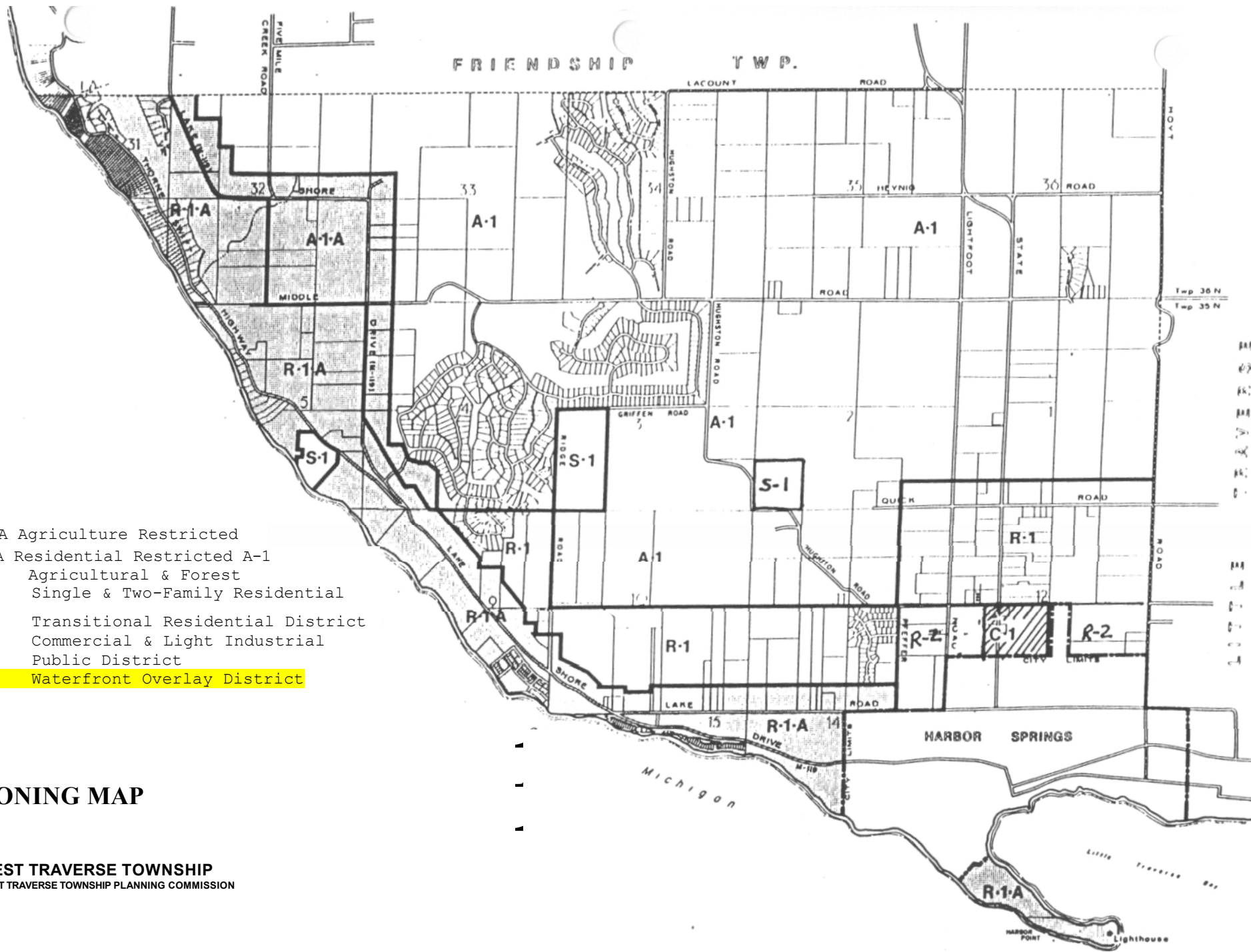
* Forest vegetation is defined by woody plants with a diameter at breast height (dbh) of three (3) inches or more.

** Beach/dune landscape is defined as those areas where dune vegetation predominates, some of which include: Beach Grass (*Ammophila Breviligulata*), Pea Grass (*Lathyrus Japonicus*), Bearberry (*Arctostaphylos Uva-uris*), Creeping Juniper (*Juniperus Horizontalis*), Common Milkweed (*Asclepias Syriaca*), Willow (*Salix* sp) and Beach Wormwood (*Artemisia Canpertris*).

b. Setbacks:

All structures within the Waterfront Overlay District shall be set back according to the requirements below, except for the following water related uses: recreational docks, board walks, pumphouses, beach decks, storm water and erosion control devices and similar facilities when located and designed so as not to unreasonably interfere with, degrade or decrease the enjoyment of existing viewsheds or water resource uses.

- (1) All structures shall be a minimum of sixty (60) feet from the 1986 High Water Mark for Lake Michigan as documented by the US Army Corps of Engineers said mark being **581.99 feet**. If the beach/dune environment extends a distance greater than sixty feet landward from the 1986 High Water Mark, then structures shall be placed in a fashion as described in part 3-A.
- (2) Structures listed as exceptions above shall require zoning permits before construction. The maximum height (including railings) shall be three (3) feet.
- (3) A set back of sixty (60) feet will be maintained from other water features such as streams, lakes and ponds.
- (4) Waterfront development shall maintain, to the maximum extent possible, open and unobstructed views to the waterfront from adjacent properties, roadways, and pedestrian ways.



- A-1-A Agriculture Restricted
- R-1-A Residential Restricted A-1
Agricultural & Forest
- R-1 Single & Two-Family Residential
- R-2 Transitional Residential District
- C-1 Commercial & Light Industrial
- S-1 Public District
- W-1 Waterfront Overlay District**

ZONING MAP

WEST TRAVERSE TOWNSHIP
WEST TRAVERSE TOWNSHIP PLANNING COMMISSION



ARTICLE IV

GENERAL PROVISIONS

401 ORDINANCE GENERAL REGULATIONS

401:1

The provisions of this Ordinance shall be held to be the minimum requirements and shall apply uniformly to each kind or class of structure or land.

401:2

Where the conditions imposed by any provisions of this Ordinance upon the use of structures or land are either more or less restrictive than comparable conditions imposed by the provisions of any other lawful ordinance or of any law, resolution, rule or regulation of any kind, the regulations which are more restrictive, or which impose higher standards or requirements, shall govern.

401:3

This ordinance is not intended to abrogate any easement, covenant or any other private agreement, provided that where the regulations of this Ordinance are more restrictive, or impose higher standards or requirements, than such easements, covenants or other private agreements, the regulations of this Ordinance shall govern.

401:4

Structures or uses which were unlawfully existing at the time of the adoption of this Ordinance shall not become or be made lawful solely by reason of adoption of this Ordinance.

401:5

All structures erected hereafter, all uses of land or structures established hereafter, all structural alterations or relocations of existing structures occurring hereafter and all enlargements or additions to existing uses occurring hereafter shall be subject to all regulations of this Ordinance which are applicable to the zoning districts in which such structures, uses or land shall be located.

401:6

Any building permits issued prior to the effective date of this Ordinance shall be considered valid and the structure may be completed and used or occupied in accordance with plans, provided that the use or occupancy is on the basis for which building permit was originally designated and provided that construction is begun within sixty (60) days. Any such use which would become nonconforming by virtue of the passage of this Ordinance shall thereafter be considered nonconforming and subject to the provisions of this Ordinance.

401.7

Any structure or use lawfully existing at the time of adoption of this Ordinance may be continued except as hereinafter provided in the regulations concerning nonconforming uses in this Ordinance.

401:8

All land, property or territory hereafter to be annexed to West Traverse Township shall be considered to be in an A-1 District until otherwise classified.

401:9

Nothing in this Ordinance shall be deemed to prevent the strengthening or restoring to a safe condition any structure or part thereof declared to be unsafe by any official charged with protecting the public safety upon such order of such official.

402 DISTRICT GENERAL REGULATIONS

402:1

No yard or lot existing at the time of passage of this Ordinance shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Ordinance shall meet at least the minimum requirements of this Ordinance.

402:2

No part of a yard or other open spaces or off-street or loading space required about or in connection with any structure for the purpose of complying with this Ordinance, shall be included as part of a yard, open space or off-street parking or loading space similarly required for any other structure or use.

402:3

In case of a lot having a side yard along any district boundary line, on the other side of which is a more restrictive district, said yard shall have a width of not less than that required for the more restrictive district.

402:4

No part of any required yard except a rear yard shall be occupied for any accessory use or structure or for the storage of vehicles, except as otherwise specified in this Ordinance.

402:5

On any corner lot nothing shall be erected, placed, planted, or allowed to grow in such a manner as materially to impede vision between a height of two and one-half (2-1/2) feet and eight (8) feet above the established road grade within a triangle formed by the two road right-of-way lines and a line connecting them at points twenty-five (25) feet from the intersection of the right-of-way lines.

402:6

On double frontage lots, a front yard as prescribed for the district as herein established shall be provided on both roads.

402:7

Every structure hereafter erected or relocated shall be on a lot abutting a public road, or an approved private road or road easement. All structures shall be so located as to provide safe and convenient access for servicing, fire protection, and required off road parking.

402:8

In any district, more than one structure housing a permitted or permissible principal use or a structure housing more than one permitted or permissible use may be erected or maintained on a single lot provided that all other requirements of this Ordinance shall be met for each structure or for each use as though each were on an individual lot.

402:9

In any R- 1, R-1-A, A-1 and A-1-A District, a single family dwelling and permitted accessory structures may be constructed, altered, or reconstructed on any single lot of record at the effective date of adoption of this Ordinance, notwithstanding limitations imposed by other provisions of this Ordinance. This provision shall apply even though such lot fails to meet the Zoning District requirements for area or width, or both. Minimum zoning district yard dimensions and requirements shall apply to construction and alterations. Reconstruction may be effected so long as yard dimensions are no less than those of the original structure, or within the minimum Zoning District yard dimensions and requirements. Variance of yard requirements other than those permitted above shall be obtained only through action of the Board of Appeals.

402:10

No residential dwelling unit shall have less than 800 square feet of floor area, the sum of which shall be the area measured to the exterior face of exterior walls, having more than seven (7) feet, six (6) inches headroom, and which may be made useable for human habitation excluding the floor area of basements, garages, accessory buildings, attics, unheated porches or breezeways and unenclosed porches. The minimum building width across any front and any side elevation shall be twenty (20) feet on an unbroken building line, excluding garages, porches, and accessory buildings. (Revised 6/4/03)

402:11

The suffix "A" when added to any district shall restrict development in that district by specifically prohibiting any common wall building. A nonconforming building created by the application of the "A" district shall be rebuildable to the size at the time of the adoption of the "A" district. All provisions not in conflict with the suffix "A" prohibition shall remain in effect.

402:12

The use of trucks, trailers, semi-trailers or other similar vehicles for storage is prohibited in all Districts (effective 10/13/98). Trailers used by contractors for office and storage purposes are permitted for a reasonable length of time on a job site provided there are valid Zoning and Building Permits for construction on the site and the trailer use is directly related to the construction on the property on which it is located.

402:13 ACCESSORY BUILDINGS:

ACCESSORY BUILDINGS					
Lot Size	Less than 1 acre	1 to < 2 acres	2 to < 4 acres	4 to < 10 acres	10 acres or greater
# Accessory Buildings Allowed over 150 sq. ft.	One	One	One	Two	Three
# Accessory Buildings Allowed 150 sq. ft. or less	One	One	Two	Two	Two
Maximum Size Of Accessory Building(s) sq. ft.	600	864	1,200	1,600 if 1 1,100 each if 2	2,400 if 1 1,600 each if 2 1,200 each if 3
Max. Height of sidewall	12'	14'	16'	16'	18'

ACCESSORY BUILDINGS 150 SQUARE FEET OR LESS - accessory structures such as Gazebos, pump houses, garden tool sheds, or wood storage sheds, are allowed as indicated in the above chart if:

- a) proper permits are obtained;
- b) the structure is less than 150 square feet; and
- c) the height to the peak of the structure does not exceed 12'.

LANDSCAPING AND/OR SCREENING may be required depending on the size of the structure and/or the proximity of the structure to the property line, as determined by either the Zoning Administrator or the Planning Commission.

SETBACKS - Accessory buildings and structures shall meet the setbacks of the district, except as otherwise permitted in this Ordinance. Accessory buildings 150 square feet or less in size shall meet a minimum 10' setback, except as otherwise permitted in this Ordinance.

EXEMPTIONS - Where it can be demonstrated to the Planning Commission by the Applicant that no good purpose would be served by a strict compliance with the provisions of this Section, the Planning Commission may waive or modify said standards on a case-by-case basis subject to planning Commission Review and notifications to adjoining property owners within 300 feet.

Section 402:14 OUTDOOR LIGHTING

A. Purpose

The purpose of this section is to eliminate or minimize glare, obtrusive light, light trespass, and light pollution; conserve energy and resources while maintaining nighttime safety, utility, security, and productivity; and curtail the degradation of the nighttime visual environment.

B. Regulations

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

403 SITE PLAN REVIEW

403:1 USES REQUIRING SITE PLAN REVIEW AND APPROVAL

Whenever a zoning permit is required for the erection of or an addition to a building, a site plan shall be required and approved by the Planning Commission prior to the issuance of a zoning permit. In addition, for all special land uses or whenever a parking or storage area is to be used or constructed, a site plan shall be required and approved before construction is started or, if no construction is to be undertaken, used for such purpose. This section does not apply to the erection of or an addition to a single-family dwelling, a two-family dwelling on individual lots, permitted roadside stand or accessory buildings and required motor vehicle parking for such one or two family dwellings. A site plan shall also be required for the erection of or an addition to any major utility service facilities, including the transportation, generating, processing, storing, or transmission of petroleum, electricity, sanitary sewage, and water, etc., including towers, rights-of-ways, substations, pumping stations, regular stations and similar appurtenances, and any use located within an environmental area or high risk area as defined and determined under the provisions of the Shorelands Protection and Management Act (1955 P.A. 59: MCL 324.32301 and any amendment thereto).

A required site plan shall consist of the following and shall include the entire site proposed for improvement under the particular site plan with no unplanned areas on the particular site. Where it is determined by the Planning Commission that certain requirements of this Section are not necessary to the review and understanding of a site and the development proposal, the Planning Commission may waive the requirement. Any such waiver shall be recorded in the Commission's minutes. Site improvements and development shall conform exactly to the approved site plans and supplemental drawings as approved by the Planning Commission.

403:2 GRAPHIC REQUIREMENTS FOR SITE PLANS

Site plans submitted in compliance with this Ordinance shall provide the following:

1. An application in the number of copies required by the township together with the same number of site plan drawings.
2. Be prepared by and carry the seal of the registered architect, landscape architect, land surveyor, or professional engineer who prepared it. The Planning Commission shall have the authority to waive the requirements of a professionally prepared plan where it determines a sketch plan would be adequate.
3. Contain the legal description and zoning of the particular site and the zoning for adjacent properties.
4. Be drawn to a minimum scale of one (1) inch equals fifty (50) feet for less than five (5) acres and at one (1) inch equals one hundred (100) feet for five (5) acres or more, and shall contain a general location map at a scale of four (4) inches equals one (1) mile giving site location.
5. Date, north point, scale, property dimensions, street names, size in square feet or acres, and any other necessary identification information.

6. All existing and all proposed structures on the subject property, including signs and lighting, other structures within one hundred (100) feet of the subject property, ingress and egress drives, roads and parking areas with spaces delineated, and the height of all structures.
7. All existing easements, utility lines, rights-of-way and other services within and bordering the subject property.
8. Topography information based on USGS datum, or selected on-site elevations. More detailed information may be required where the Planning Commission determines that the site and use warrant a more critical review of topography.
9. Indications of trees and shrubs shall only be used on the site plan where trees and shrubs exist or where such vegetation will be planted prior to occupancy. All such trees and shrubs shall be labeled as to whether existing or proposed. Whenever a tree or group of trees of three (3) inch caliper or greater is to be removed as part of the planned improvements, its or their location shall be shown on the site plan in dotted outlines and noted "to be removed."
10. The following information shall be required in addition to the applicable data requested above:
 - a. Locations and proposed method of screening.
 - b. Loading and unloading area.
 - c. Total floor area.
 - d. Typical floor plans.
 - e. Building elevations (front, side and rear views).
 - f. Where large equipment or machinery is to be installed as part of the development, the location, type, horsepower, fuel, dimension, and other data of all such equipment or machinery shall be indicated.
11. Generalized soil analysis data, which may include data prepared by the Emmet County Soil Conservation District regarding the soils and their adaptability to the use. More detailed information may be required where the Planning Commission determines that the site and use warrant a more critical review of soils.
12. No site plan or plat shall be approved unless it includes soil erosion and sediment control measures which shall include preventative soil erosion devices or measures, both during and after any site work related to the development when required.

403:3 IMPACT STATEMENT

An Impact Statement shall accompany any application for site plan review and shall include the following:

1. A complete description of the proposed development including site land use characteristics, 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 as applicable.

2. Expected demands on community services, and how these services are to be provided, 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 that may apply to the particular development.
3. Statements relative to the impact of the proposed development on soil erosion, shoreline protection, wildlife habitat, air pollution, water pollution (ground and surface), noise and the scale of development in terms of the surrounding environment.

403:4 SITE PLAN REVIEW STANDARDS

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

1. The location and design of driveways and entrance features with respect to vehicular and pedestrian traffic.
2. The traffic circulation plan and off-street parking with respect to public safety, onsite uses and adjacent properties.
3. Buffering techniques such as screening, 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.
4. Methods proposed to prevent property damage in critical environmental areas.

403:5 REVIEW FOR APPROVAL

Following the submittal of a site plan in accordance with the requirements of this Section, and any other rules governing site plan submittals in West Traverse Township, the Planning Commission shall approve, conditionally approve or reject the proposed development, with reasons stipulated. The Planning Commission shall commence review of the site plan at its next regularly scheduled meeting provided a complete site plan is submitted at least ten (10) days prior to that meeting.

No land use, zoning compliance, and/or building permits shall be issued except for uses that are in full compliance with the provisions and conditions specified in the site plan review process.

For developments regarded to be complex in terms of street patterns, housing density, questionable soil conditions, steep grades and similar conditions the final approval of a site plan may be withheld pending consultation with a registered engineer, architect, or township attorney.

(The following paragraph added 6/4/03)

Where a proposed development is of sufficient complexity or there are circumstances where a reasonable visual inspection may not be able to confirm compliance with approved plans (for example, In instances of underground improvements, critical grading or slope change,

complex curves, areas of critical tolerances or other practical difficulties) the Planning Commission may require the applicant provide a set of the approved plans bearing:

1. The seal of the project's engineer or architect;
2. Certification by the project's engineer or architect that the project has been completed in compliance with the approved plans.

403:6 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, either as required by the Planning Commission or as proposed by the developer or proprietor, may require 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 the West Traverse Township, to insure the faithful completion of the improvements specified. The Township shall release funds for the payment of work as it is completed, subject to the township inspection and approval of the work. The amount of the deposit shall be set by the township based on reliable estimates of the cost of completing the work.

403:7 TIME LIMITS - SITE PLAN APPROVALS

A site plan shall be valid for a period of one (1) year from date of approval, unless the approved use or construction has started and proceeds to completion in accordance with the terms of such approval. The Planning Commission may grant an extension, thereof, for good cause shown for a period of time not to exceed one (1) year, and under such terms and conditions as it shall determine to be necessary and appropriate.

Section 404: PLANNED UNIT DEVELOPMENT

404:1 Authorization

A PUD may be authorized in the A-1, A-1-A, R-1, R-1 -A and R-2 Districts through the approval of a Special Land Use as regulated in Section 501 through 501:4 of this Ordinance, in addition to the requirements of this Section, 404.

404:2 Intent

It is the intent of this special use to provide a more desirable living environment by retaining the rural and natural character of the township through the preservation of open spaces, woodlands, streams, ponds, water frontage, hills, and similar natural assets. It is further intended that this permitted use encourage a more creative approach to residential development through the planned reduction or grouping of lots while maintaining the overall density of the zoning district. Planned Unit Developments (PUDs) must be structured and designed to advance the following goals:

- a. To encourage a more imaginative planned community through the application of comprehensive land use planning techniques at the project level.
- b. To provide for a controlled mix of compatible land use types when coordinated into an overall property use plan without the incidence of spot zoning.
- c. To allow clustering of uses to reduce development costs and provide more protection for prime farmland, natural features, open spaces, historic resources and to enhance the character of the community.
- d. To coordinate development and encourage efficiency with respect to land use, natural resources, energy, roads, pedestrian-ways, public services and utilities.
- e. To encourage a necessary balance between physical improvements, community needs, and site amenities such as scenic views, open space, recreation areas, and environmentally sensitive areas.
- f. To encourage innovation in land use in variety and design, layout, or type of structures constructed.
- g. To allow more flexibility in land development with respect to building setbacks, building densities and other standard zoning requirements.
- h. To encourage a unified and hence potentially more desirable development of large areas of land based on a Project Master Plan.

- i. To provide a forum for communication between the developer, community officials, and the public concerning PUD projects.

404:3 General Provisions

In addition to all other requirements to which any Special Use must conform, any PUD shall meet the following standards:

- a. The development shall be administered and developed as an integral unit by one or more proprietors who separately or collectively own the project.
- b. Residential density shall not exceed the maximum for the zoning district in which it is located. In the A-1 and A-1-A Districts, the maximum density is one dwelling per 2 acres. In the R-1 and R-1-A Districts, the maximum density is one dwelling per acre. In the R-2 District, the maximum density is one unit per 22,000 square feet.
- c. The area dedicated to private roads may be included in the total site area for purposes of density calculations. The area dedicated to public roads shall be excluded.
- d. For all area gained through the reduction or grouping of lots, an equal area shall be set aside for the exclusive common use of the lot owners, residents within the development, or for the general public. This area shall be under legal procedure which shall grant a covenant or deeded interest therein so that it shall be assured of remaining undeveloped.
- e. The proposed Planned Unit Development shall minimally meet all standards Section 501 through 501:5, as well as Federal, State, County, and Township Laws or Ordinances including the provisions of this Ordinance except as specifically exempted.

404:4 Permitted Uses and Structures

Except as noted, PUD uses and structures may include any of the range of uses and structures allowed by right or by special use within the zoning district(s) where the PUD is proposed. Such uses may be placed either singularly or in combination. In approving a PUD with mixed uses, the Planning Commission may stipulate the sequence in which said uses, or portions thereof, are constructed.

Within any PUD, no structure shall hereafter be used, erected, converted, or externally altered in whole or in part, if said use is not in accordance with the approved PUD plan.

404:5 Area Regulations

Except to the extent that a PUD or a portion of a PUD is subject to area regulations mandated by a state agency, all structures shall meet the following area regulations:

- a. Perimeter Setbacks - the setback maintained along the perimeter of the PUD shall be at least a fifty (50) foot buffer strip. The Planning Commission may require a greater perimeter setback in order to assure that the use does not negatively impact adjoining property outside the PUD. The Planning Commission may also reduce the required perimeter setback on the road side upon finding that the reduced setback will not be detrimental to the public health, safety, or welfare of future occupants of the PUD, the surrounding neighborhood, or the township as a whole.

No parking areas shall be allowed in the perimeter setback. With the exception of access drives, non-motorized trails, lighting, sidewalks and curbing, the perimeter setbacks shall be landscaped and maintained. Access drives shall not be routed in the setback area like a perimeter road, but can go through or cross the PUD setback.

- b. Open Space - A PUD project shall have open space of no less than thirty (30) percent of the entire project area. This required open space shall be dedicated to the public or set aside for the common use of the owners and users within the PUD. A covenant or deeded interest for this open space area shall be recorded with the County Register of Deeds so that it shall be assured of remaining undeveloped. Copies of recorded documents shall be filed with the zoning administrator.

Dedicated open space does not include parking lots, private or public roads, or public right-of-ways, but may include flood plain areas and wetlands up to a maximum of twenty (20) percent of the required open space. In addition, landscaped areas devoted to perimeter setbacks can be included as dedicated open space.

- c. Height Regulations - The height of all buildings and structures within a PUD project shall not exceed thirty-five (35) feet.
- d. Other Dimensional Regulations - To promote creativity and flexibility in site design, the Planning Commission may, subject to the following limitations, alter the other dimensional regulations, as required by the zoning district, including but not limited to minimum lot size, density, and setbacks within the PUD project. Limitations are as follows:
 - i. The Planning Commission may approve changes in dimensional regulations, if and only if it finds that the proposed dimensional regulations will not be detrimental to the public health, safety, or

welfare of future occupants of the PUD, the surrounding neighborhood, or the township as a whole.

- ii. Prior to approving a change in dimensional regulations, the Planning Commission may require the applicant to demonstrate through bonafide documentation, including but not limited to traffic impact studies, environmental impact studies, market needs assessments, and infrastructure impact studies, that the change will not result in significant impacts to the PUD project and PUD occupants, the surrounding area, and the township as a whole.
- iii. Density increases may be approved for the creation and/or preservation of open space, the protection of the natural environment, or for conservation of natural resources and energy. In no case shall densities be increased by more than fifteen (15) percent. The following table shall be used as a guide:

Open Space	Density increase
30%	0%
35	5
45	10
55	15

Density bonuses are subject to Northwest Michigan Community Health Agency approval for water supply and sewage disposal.

- iv. Required parking shall not be reduced by more than thirty (30) percent of the parking normally required of the proposed use. In no case shall detached single-family dwellings have less than two (2) on-site (off-street) parking spaces. In reducing the required parking, the Planning Commission may require the reservation of a portion of the PUD site for future parking.

404:6 Environmental Design Requirements

The Planning Commission may require that the site be designed to preserve and protect, to the greatest extent feasible, existing natural or unique features such as, but not limited to, mature trees, significant vegetation, waterways, steep slopes or scenic views. The Planning Commission may also require additional plantings to be added and maintained in order to minimize erosion potential or to increase aesthetic appearance of the development. Plantings that do not survive must be replaced no later than the next nearest planting season.

404:7 Traffic Circulation

Internal circulation systems and points of ingress and egress with external traffic flow must be coordinated within the PUD and in relation to the community as a whole. These systems should promote safety, convenience, easy access, and separation of vehicles from pedestrians and enhance the overall physical design of the PUD. Emergency design and safety standards should be adhered to. These standards apply to the location of residences relative to the community and the overall design of the PUD.

404:8 Private Streets

Private streets must be designed to accommodate anticipated traffic loads including volume, vehicular weight and size, speed, emergency vehicles and turning radius. The following residential street standards shall be adhered to, unless the Planning Commission permits modifications. The Planning Commission may approve modifications to these private street standards if it finds that the proposed changes will not be detrimental to the public health, safety, or welfare of future occupants of the PUD, the surrounding neighborhood, or the township as a whole. All dead end streets shall have turn arounds adequate to serve emergency vehicles and snowplows.

Type of Street	Users Served	Required R-O-W (feet)	Width of pavement
Residential dead end or Local street	1-6 dwellings	30	20
	7-20 dwellings	35	20
	21-50 dwellings	40	20
Residential collector	51-200 dwellings	66	22
Neighborhood Collector	Over 200 dwellings or commercial use	66	24

404:9 Pre-application Conference

A pre-application conference shall be held with the Planning Commission and/or the zoning administrator for the purpose of determining the eligibility of the proposed PUD application and to review the procedures and standards for PUD approval. The goals of the pre-application

conference are to acquaint the Township with the applicant's proposed development, assist the applicant in understanding new or additional information which the Planning Commission will need to effectively consider the application, confirm that the application and all supporting documentation is ready for a public hearing, and to acquaint the applicant with the Planning Commission's or Zoning Administrator's initial, but unofficial, response to the application. In no case shall any representations made by the Planning Commission or Zoning Administrator at the pre-application conference be construed as an endorsement or approval of the PUD.

a. Request for Pre-Application Conference

A request for a pre-application conference shall be made to the zoning administrator who shall schedule a date and time for the pre-application conference at a Planning Commission meeting. As part of the pre-application conference, the applicant shall submit ten (10) copies of a conceptual plan which shows the property location, boundaries, significant natural features, vehicular and pedestrian circulation, and proposed land use for the entire site.

404:10 **Preliminary PUD Plan**

The preliminary PUD plan can be more general than the final plan, but shall contain adequate information and detail for Planning Commission analysis. Ten (10) copies of the preliminary PUD Plan shall be submitted, plus five reduced size copies suitable for reproduction on the Township copier, along with a payment of a fee as established by resolution of the Township Board. At a minimum, the preliminary PUD plan shall contain the following:

- a. Legal description of property.
- b. A statement of the objectives of the planned development.
- c. Explanation of the relationship of the PUD to the Township's Comprehensive Plan.
- d. Phasing of all components of the project as well as future selling and/or leasing intentions.
- e. Preliminary sign information, including location and size.
- f. Required setbacks of the zoning districts.
- g. An existing conditions map, including:
 1. A property location map
 2. Property dimensions and boundaries
 3. Major tree stands and rock outcrops
 4. Water bodies (streams, rivers, lakes ponds)
 5. Generalized soil conditions
 6. Other natural features.
 7. Human made features including existing roads within and bordering the project, buildings, easements and utilities.

8. All major environmental features, such as major stands of trees and other vegetation, wetlands (both regulated and unregulated), flood plains, drainage ways, outcroppings, slopes of ten (10%) or more gradient, and/or other surface features.
- h. Location and type of proposed lighting on the site.
- i. A site plan which meets the requirements of Section 403:2, Graphic Requirements for Site Plans.

404:11 Final PUD Plan

Within a period of not more than one (1) year from the date of approval of a preliminary PUD plan, the applicant must present to the Zoning Administrator the final PUD development plan. A Public Hearing shall be held by the Planning Commission, following the regulations of 404:12. All requirements and provisions of Article V, Special Regulations, shall be complied with. The Planning Commission may permit both a preliminary and final PUD Plan review to occur at the same meeting for simple, single use PUDs. No PUD project can be approved until a Final Master Plan has been reviewed and given final approval and recommendation by the Planning Commission to the Township Board, who shall be the final reviewing and approval agency.

Prior to Planning Commission final review, the applicant must submit copies of the preliminary plan to government review agencies, as applicable, to gain compliance with health laws, drain laws, environmental laws, as well as rules governing road construction. Local fire protection agencies must also be contacted prior to the Planning Commission final review.

Drawings and plans presented in a general fashion in the preliminary phase shall be presented in detail for the final plan. The final PUD plan shall meet the requirements of Section 403 Site Plan Review, include all the elements of the preliminary PUD plan, all the changes and/or conditions stipulated by the Planning Commission, plus all of the following:

- a. Payment of a fee as established by resolution of the Township Board.
- b. A narrative statement describing, at a minimum:
 - 1) The objectives of the proposed PUD and how they relate to the intent of a PUD as described in Section 404:2 above.
 - 2) The relationship of the proposed PUD to the Township's Master Plan.
 - 3) Phases of development, if any, and the approximate time frame for the start and completion of construction of each phase.
 - 4) Proposed master deed, deed restrictions, covenants or similar legal instruments to be used within the PUD.
 - 5) Location, type and size of areas to be dedicated for common open space.
 - 6) Tabulation of land area ratios.

- 7) An Impact Statement meeting the requirements of Section 403:3 of the Ordinance.
- c. Ten (10) copies of the development plan and one (1) reduced size copy suitable for reproduction on the Township Copier. If the PUD is to be developed in phases, the development plan shall show all phases. The development plan shall contain all of the following:
- 1) Applicant's name, address, and telephone and fax numbers.
 - 2) Name, address, and telephone and fax numbers of the individual and firm who prepared the plan.
 - 3) Name of development, scale of the plan drawing, and north arrow.
 - 4) Location, shape, area and dimension of the lot, lots or acreage to be used, including a legal description of the property and the tax identification number(s) for the property.
 - 5) Present zoning of the subject property and adjacent properties.
 - 6) All public and private rights-of-way and easement lines located on and adjacent to the subject property which are proposed to be continued, created, relocated or abandoned, including the proposed use(s) and width(s) of all rights-of-way and easements. If the project is proposed to have private streets, the Township Planning Commission may require that the private streets be developed to the minimum design, construction, inspection, approval and maintenance requirements of the Emmet County Road Commission.
 - 7) Location and total number of curb cuts, driveways, off-street parking spaces and loading spaces, including the dimensions of a typical parking space and the location(s) of barrier free parking spaces.
 - 8) Proposed exterior building dimensions (horizontal and vertical), gross floor area, number of floors and proposed uses.
 - 9) Location, dimensions, and uses of all existing and proposed structures, walks, malls, open areas, walls fences, screen plantings and/or other landscaping.
 - 10) Existing and proposed sewer, water and other utility lines, plus location and type of sewage treatment facility, water source, and fire hydrants.
 - 11) Area of subject property to be covered by buildings.
 - 12) Location, size, height and orientation of all signs.
 - 13) Final plans for surface water drainage, including surface and subsurface facilities.
 - 14) Percentage of the total site devoted to open space and the proposed uses of that open space.
 - 15) Proposed PUDs that include residential uses shall include the following additional information:
 - i. Minimum floor area of dwelling units.
 - ii. Total number of dwelling units proposed.
 - iii. Number of bedrooms per dwelling unit.

- d. Final Landscape Plans.
- e. Final Building Plans.
- f. Final Sign Plans.
- g. All common open space areas, greenbelts, transition areas, and setback areas shall be documented on the plan, and no use of these areas other than those identified on the plan shall be permitted without a formal revision of the plan.
- h. All designated and required open space shall be under legal procedure which shall grant a covenant or deeded interest therein so that it shall be assured of remaining undeveloped.
- i. The PUD's ownership, management, and construction shall have been determined and documented, and where to be phased, a plan to demonstrate development continuity shall be presented.
- j. All arrangements for design, construction, maintenance and operation of utility, septic or waste treatment systems, and soil erosion and stormwater control, shall have been finalized.
- k. On-site circulation routes for vehicles, pedestrians, parking lots, bicycles, and the like shall be included as specific elements of the plan as well as the ingress and egress points from bordering public/private roads.
- l. Any existing or proposed deed restrictions, easements, agreements, condominium documents, deed restrictions, Articles of Incorporation, or covenants pertinent to the project property shall be presented. Actual final filing of the documents need not occur until after final site plan review, but before a zoning permit is issued.
- m. Site plans and applicable engineering drawings shall be sealed by a professional engineer, surveyor, architect or landscape architect.
- n. Such other information regarding the development area that may be required to determine conformance with this Ordinance.

404:12 Public Hearing and Notices

Following receipt of a complete preliminary application, the Planning Commission shall hold at least one (1) public hearing. A public hearing shall be held at both the preliminary and final PUD reviews. The Planning Commission, in certain cases as stipulated in Section 404:11 above, may allow the preliminary and final review to occur at the same meeting. Notice of the hearing shall adhere to the following standards:

- a. Notice shall be given not less than five (5) days nor more than fifteen (15) days prior to the date of the hearing.
- b. The notice shall be sent via first class mail or personal delivery to all owners of the property for which approval is being considered, to all persons to whom real property is assessed within 300 feet of the boundary of the property being considered for planned unit

development action, and to the occupants of all structures within 300 feet of the property being considered for planned unit development action.

- c. Such notification need not be given to more than one (1) occupant of a structure; except that if a structure contains more than one (1) dwelling unit or spatial area owned or leased by different individuals, partnerships, businesses or organizations, one (1) occupant of each unit or spatial area shall receive notice. In the case of a single structure containing more than four (4) dwellings units or other spatial areas owned or leased by different individuals, partnerships, businesses or organizations, notice may be given to the manager or owner of the structure who shall be requested to post the notice at the primary entrance to the structure.
- d. Contents of Notice - The notice shall:
 - 1. Describe the nature of the planned unit development application.
 - 2. Describe the property which is the subject of the planned unit development application.
 - 3. State when and where the planned unit development application will be considered.
 - 4. Indicate when and where written comments will be received concerning the planned unit development application.

404:13 Planning Commission Review of Final PUD Plan

Following the public hearing of the Final PUD Plan, the Planning Commission shall review the PUD application and shall table for more information, or recommend to the Township Board approval, denial, or conditional approval. The Planning Commission's decision shall be in writing and shall include findings of fact, based on the evidence presented at the public hearing, on the standards.

404:14 Standards for PUD Approval and Waiver of Standards

A. General Standards:

- 1. The planned unit development shall be consistent with the Township Master Plan.
- 2. The planned unit development shall be designed, constructed, operated and maintained in a manner harmonious with the character of adjacent property and the surrounding area.
- 3. Landscaping shall ensure that proposed uses will be adequately buffered from one another and from surrounding public and private property and will be consistent with outdoor pedestrian movement.

4. Vegetation proposed by the developer or required by the Planning Commission shall be maintained in a healthy living condition and such vegetation if dead shall be replaced.
5. The planned unit development shall not change the essential character of the surrounding area, unless such change is consistent with the Township Master Plan.
6. The planned unit development shall not be hazardous to adjacent property, or involve uses, activities, materials or equipment which will be detrimental to the health, safety or welfare of persons or property through the excessive production of traffic, noise, smoke, fumes, ground vibration, water runoff odors, light, glare or other nuisance.
7. The planned unit development shall not place demands on public services and facilities in excess of current capacity, unless planned improvements which will increase the capacity sufficient to service the development have already been scheduled for completion.
8. The planned unit development shall be designed to preserve public vistas and existing important natural, historical, and architectural features of significance within the development.
9. The planned unit development shall be designed so that its pedestrian, non-motorized and automobile circulation systems are safely and conveniently integrated with those of abutting property and any linear trail or park systems intersecting or abutting such development.
10. The planned unit development shall provide that vehicular and pedestrian traffic within the site shall be safe and convenient and that parking layout will not adversely interfere with the flow of traffic within the site or to and from the adjacent streets. Safe and adequate access for emergency vehicles to or within the development and adequate space for turning around at street ends shall be provided.
11. The planned unit development shall not result in greater storm water runoff to adjacent property after development than before development for up to a 50-year storm. The open space shall be provided with ground cover suitable to control erosion, and vegetation that no longer provides erosion control shall be replaced.
12. The design of the planned unit development shall exhibit a reasonably harmonious relationship between the locations of buildings on the site relative to buildings on lands in the surrounding area; and there shall be a reasonable architectural and functional compatibility between all structures on the site and structures within the surrounding area. It is not intended that contrasts in architectural design and use of facade materials is to be discouraged, but care shall be taken so that any such contrasts will not be so out of character with existing building designs and facade materials so as to create an adverse effect on the stability and value of the surrounding area.

13. The design of the planned unit development shall ensure that outdoor storage of garbage and refuse is contained, screened from view, and located so as not to be a nuisance to the subject property or neighboring properties.
14. The planned unit development shall be designed such that phases of development are in a logical sequence, so that any one phase will not depend upon a subsequent phase for adequate access, public utility services, and drainage or erosion control.
15. A copy of the Development Plan, along with a copy of all related documentation, shall be delivered to the Fire Chief for his review as relates to Public Safety and Fire related issues. The Fire Chief shall have the responsibility to ensure all streets and access routes, public or private, are adequate for emergency vehicle turning radius, vehicle weight and vehicle size. In the event the Development Plan provides for a combination of four (4) or more dwellings, commercial and/or industrial structures within any given area, the Fire Chief may require that an in-ground water holding tank be installed by the Developer(s), at their sole cost, for use by the Fire Department for Fire Suppression purposes. Additional water holding tanks may be required depending upon the overall size or volume of the proposed development. The Fire Chief shall provide the developer(s) specifications covering any required water holding tank(s).
16. The planned unit development shall meet the standards of other governmental agencies, where applicable.
17. Where a proposed development is of sufficient complexity or there are circumstances where a reasonable visual inspection may not be able to confirm compliance with approved plans (for example, in instances of underground improvements, critical grading or slope change, complex curves, areas of critical tolerances or other practical difficulties), the Planning Commission may require the applicant provide a set of the approved plans bearing the seal of the project's engineer or architect and certification by the project's engineer or architect that the project has been completed in compliance with the approved plans.

B. Waiver of PUD Standards

The Planning Commission and/or the Township Board may waive any of the standards for a PUD contained in Section 14 A. above where all of the following findings are documented along with the rationale for the decision:

1. No good public purpose will be achieved by requiring conformance with the standards sought by the applicant to be waived.
2. The spirit and intent of the PUD provisions will still be achieved.
3. No nuisance will be created.

404:15 Continuing Adherence to Approved PUD Application

Any property owner who fails to develop and maintain an approved PUD according to the approved PUD application and conditions, if any, shall be deemed in violation of the provisions of this Ordinance and shall be subject to the penalties provided in this Ordinance.

404:16 Recording of Action

The applicant shall record an affidavit acceptable to the township attorney with the Emmet County Register of Deeds that contains the full legal description of the project site, specifies the date of final township approval, specifies the description or identification number which the township has assigned to the PUD project, and declares that all improvements will be carried out in accordance with the approved PUD application. If the Township approves an amendment to the PUD, the applicant shall record an amended affidavit acceptable to the township attorney that contains all of the information described above, describes the amendment, specifies the date the Township approved the amendment, and declares that the improvements will be carried out in accordance with the approved PUD, as amended. Finally, all deed restrictions and easements shall be duly filed with the Emmet County Register of Deeds and copies of recorded documents filed with the zoning administrator.

404:17 Planned Unit Development Permit

Following final approval of a PUD application and submittal, to the zoning administrator, of all recorded documents required in Subparagraph 16 above, a permit may be obtained from the zoning administrator. The issuance of this permit, however, shall not relieve the applicant from complying with applicable county, state, and federal permit requirements. The failure of the applicant to obtain any required county, state, or federal permit shall render the PUD permit issued under this subsection void.

404:18 Amendment of an Approved PUD

Amendments to an approved PUD shall be permitted only under the following circumstances:

- A) The owner of property for which a PUD has been approved shall notify the zoning administrator of any desired change to the approved PUD.
- B) Minor changes may be approved by the zoning administrator upon determining that the proposed revision(s) will not alter the basic

design and character of the PUD, nor any specified conditions imposed as part of the original approval. Minor changes shall include the following:

1. Reduction of the size of any building and/or sign.
 2. Movement of buildings and/or signs by no more than twenty (20) feet.
 3. Landscaping approved in the PUD plan that is replaced by similar landscaping to an equal or greater extent.
 4. Changes in floor plans that do not exceed five (5%) percent of the total floor area and which do not alter the character of the use or increase the amount of required parking.
 5. Internal re-arrangement of a parking lot which does not affect the number of parking spaces or alter access locations or design.
 6. Changes related to items 1 through 5 above, required or requested by West Traverse Township, Emmet County, or other state or federal regulatory agencies in order to conform with other laws or regulations; provided the extent of such changes does not alter the basic design and character of the PUD, nor any specified conditions imposed as part of the original approval.
- C) All amendments to a PUD approved by the zoning administrator shall be in writing. After approval by the zoning administrator, the applicant shall prepare a revised development plan showing the approved amendment. The revised development plan shall contain a list of all approved amendments and a place for the zoning administrator and applicant to sign and date all approved amendments.
- D) An amendment to an approved PUD that cannot be processed by the zoning administrator under Subparagraph 18 B) above shall be processed in the same manner as the original PUD application.

404:19 Expiration of Approved PUD; Extension

- A) An approved PUD shall expire one (1) year following final approval by the Township, unless substantial construction has begun on the PUD project prior to that time or the property owner applies to the Planning Commission for an extension prior to the expiration of the PUD. The Planning Commission may grant one (1) extension of an approved PUD for an additional one (1) year period if it finds:
1. The property owner presents reasonable evidence that the development has encountered unforeseen difficulties beyond the control of the property owner; and
 2. The PUD requirements and standards that are reasonably related to the development have not changed.

- B) If the PUD approval expires pursuant to subsection A) above, no work pursuant to the PUD plan may be undertaken on the project until a new PUD approval is obtained from the Township, following the procedures for a new PUD application. In addition, if the PUD approval expires, the property shall again be subject to the zoning classification of the property which existed prior to the PUD approval as if no PUD approval had ever been granted.

404:20 Performance Guarantee

- A) In connection with the development of a PUD project, the Planning Commission may require the applicant to furnish West Traverse Township with a performance guarantee in the form of a cash deposit, certified check, irrevocable bank letter of credit, or surety bond acceptable to the township in an amount equal to the estimated costs associated with the construction of public improvements and site improvements.
- B) Public improvements mean, by way of example and not limitation roads, parking lots, and water and sewer systems which are located within the PUD or which the applicant has agreed to construct even though located outside the PUD.
- C) Site improvements mean landscaping, buffering, and the completion of conditions imposed by the Planning Commission which are located within the PUD.

For purposes of this subsection, the costs covered by the performance guarantee shall include all of the following:

1. The purchase, construction, and/or installation of the improvements.
 2. Architectural and engineering design and testing fees and related professional costs.
 3. An amount for contingencies consistent with generally accepted engineering and/or planning practice.
- D) The performance guarantee shall be deposited with the township zoning administrator at or before the time the township issues the permit authorizing the PUD, or if the PUD has been approved in phases, then the performance guarantee shall be deposited with the township zoning administrator prior to the commencement of construction of a new phase. The performance guarantee shall ensure completion of the PUD public and site improvements in accordance with the plans approved by the Township.
 - E) Any cash deposit or certified funds shall be refunded for the PUD or each phase of the PUD in the following manner:

1. One-third of the cash deposit after completion of one-third of the PUD public improvements and site improvements;
 2. Two-thirds of the cash deposit after completion of two-thirds of the PUD public improvements and site improvements; and
 3. The balance at the completion of the PUD public improvements and site improvements.
- G) Any irrevocable bank letter of credit or surety bond shall be returned to the applicant upon completion of the PUD public improvements. If a PUD project is to be completed in phases, then the Planning Commission may require the applicant to furnish a performance guarantee as provided in this subsection for each phase of the PUD project. If an applicant has contracted with a third-party to construct the public and site improvements and the third-party has provided a bond meeting the requirements described above and the bond also names the township as a third-party beneficiary of the bond, then the Planning Commission may accept that bond as meeting all or a portion of the performance guarantee required by this subsection.

Delete the PUD regulations in Section 301:3 (18)

Amend the Special Use Component of Sections 301:3 (18), 302:3 (13), and 303:3 (4) by referring to Section 404 for the PUD Regulations rather than 301:3 (18).

Adopted WT Board on June 8, 2004
Effective June 24, 2004

ARTICLE V

SPECIAL REGULATIONS

501 SPECIAL LAND USES AND STRUCTURES

501 INTENT

The regulation of land uses in West Traverse Township is accomplished by this Zoning Ordinance which designates zoning districts and sets forth uses allowed in each district. The intent of this section of the ordinance is to recognize and provide for certain uses which do not logically belong in any particular district or which may be allowable only if they meet the standards and comply with conditions which ensure their being harmonious with the general character of the district in which they may be located.

501:2 GENERAL PROVISIONS

1. Only uses which have been designated as Special Land Uses in each respective zoning district shall be considered for approval as Special Land Uses.
2. All uses of land or structures which are designated as Special Land Uses in this Ordinance shall require the granting of Special Land Use Approval in accordance with the procedures of subsection 501:3, this Ordinance, prior to the issuance of a zoning permit or certificate of occupancy.
3. A request for approval of a Special Land Use may be considered provided the standards of section 501:4 are assured and the submission follows the requirements of this Ordinance.

501:3 ADMINISTRATION AND PROCEDURE

1. Initiation of Request for a Special Land Use:
Any person owning or having an interest in property in West Traverse Township may initiate a request to operate or maintain a Special Land Use in the township by submitting an application for a Special Land Use Approval.

2. Application for Special Land Use Review:

An application for a Special Land Use shall be filed with the Zoning Administrator on a prescribed form. The application shall be accompanied by the site plan submission requirements of Section 403 furnished by the applicant with a written statement by the applicant. Such plans, data and statements shall be indicated in required detail and an estimated time until occupancy of the proposed use shall be provided.

3. Review of Application by Zoning Administrator:

The Zoning Administrator shall review the application and supporting documents and indicate by endorsement that the application has been properly executed. Application is then forwarded to the Planning Commission for review and hearing.

4. Review and Hearing by Planning Commission:

Upon receipt, in proper form of the Special Land Use application, the Planning Commission shall review said application to ensure that all conditions of this section have been complied with. The Planning Commission shall hold at least one public hearing on each application for a Special Land Use. Notice of said hearing shall be:

- a. Published in a newspaper of general circulation in West Traverse Township.
- b. Mailed by certified mail to the applicant.
- c. Mailed by U.S. mail or personally delivered to all persons to whom real property is assessed within 300 feet of the boundary of the property in question, and to the occupants of all structures within 300 feet. The notice shall be given not less than five (5) nor more than fifteen (15) days before the date the application will be considered. If the name of the occupant is not known, the term "occupant" may be used in making notification. The notice shall:
 - (1) Describe the nature of the Special Land Use request.
 - (2) Indicate the property which is the subject of the Special Land Use request.
 - (3) State when and where the public hearing on the Special Land Use request will be held.
 - (4) Indicate when and where written comments will be received concerning the request.

5. Recommendation by Planning Commission:

For each application for Special Land Use approval, the Planning Commission shall recommend to the Township Board approval, conditional approval, or denial of the Special Land Use request. Communication shall state reasons and conditions of recommendation.

The Planning Commission may recommend and the Township Board may impose conditions necessary to insure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity, to protect the natural environment and conserve natural resources and energy, to insure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner. Conditions imposed shall do all the following:

- a. Be designed to protect natural resources, the health, safety, and welfare, as well as the social and economic well being of those who will use the land use or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity, and the community as a whole.
- b. Be related to the valid exercise of the police power and purposes which are affected by the proposed use or activity.

- c. Be necessary to meet the intent and purpose of the zoning regulations; be related to the standards established in this Ordinance for the land use or activity under consideration; and be necessary to ensure compliance with those standards.
- d. Any conditions imposed with respect to the approval of a Special Land Use or activity shall be recorded in the record of the approval actions.
- e. Changes or alterations to the original approved Special Land Use and conditions thereof, shall require reapplication for Special Land Use approval.
- f. Approval of a request for a Special Land Use shall not be granted if the Planning Commission, Township Board, or any official of the township finds that such Special Land Use would fail to comply with any of the requirements of this Ordinance.
- g. The Planning Commission or the Township Board may only require that the applicant requesting authorization for a Special Land Use furnish further engineering or architectural data, operating plans or other information when necessary to completely clarify the proposed Special Land Use.

(The following paragraph added 6/4/03)

Where a proposed development is of sufficient complexity or there are circumstances where a reasonable visual inspection may not be able to confirm compliance with approved plans (for example, In instances of underground improvements, critical grading or slope change, complex curves, areas of critical tolerances or other practical difficulties) the Planning Commission may require the applicant provide a set of the approved plans bearing:

1. The seal of the project's engineer or architect; and
 2. A certification by the project's engineer or architect that the project has been completed in compliance with the approved plans.
- h. In any case where a Special Land Use has not been fully complied with within one (1) year after the granting or approval of the Special Land Use permit, then without further action by the Planning Commission or the Township Board, the Special Land Use approval shall be come null and void and the Zoning Permit or Certificate of Occupancy shall be cancelled. However, the Township Board may grant an extension thereof for good cause shown under such terms and conditions and for such period of time not exceeding six (6) months as it shall determine to be necessary and appropriate.
 - i. Violations of this Section, Section 501, or of any other portion of this Ordinance shall result in the automatic cancellation of the Certificate of Occupancy. Reinstatement may be made by the Zoning Administrator when the violation has been corrected.

6. Review and Decisions by the Township Board:

Upon receipt of the application and supporting data and the recommendation with supporting data from the Planning Commission, the Township Board shall review said application. Based on this review to determine if all conditions have been complied with, the Township Board shall approve or deny the request for the Special Land Use. If the Township Board determines that the particular Special Land Use(s) should be allowed, it shall incorporate in a statement the conclusions relative to the Special Land Use under consideration which specified the basis for the decision, and all conditions imposed. If the Township Board shall determine that the particular Special Land Use(s) requested does not meet the standards of this Ordinance, or otherwise will tend to be injurious to the public health, safety, welfare or orderly development of the township, it shall deny the application by a written endorsement thereon which clearly sets forth the reason for such denial.

7. Effect of Approval of Request for Special Land Use Approval:

The Special Land Use approval shall become effective on the date of the favorable vote by the Township Board. Approval of the request for the Special Land Use shall authorize the Zoning Administrator to issue a Zoning Permit or Certificate of Occupancy provided all other township requirements are met.

8. Special Land Uses Termination:

A Special Land Use Permit shall be valid for as long as the use continues in accordance with the terms stated in the approval permit. A Special Land Use Permit shall expire or be discontinued by one or more of the following conditions:

- a. When the Special Land Use has not been initiated within one (1) year from the date of approval. However, the Township Board may grant an extension, thereof, for good cause shown, for a period of time not to exceed six (6) months, and under such terms and conditions as it shall determine to be necessary and appropriate.
- b. When the special use is replaced by a Principal Permitted Use.
- c. When the applicant requests the rescinding or removal of the special use permit in writing.
- d. When based on evidence of vacating, abandoning and/or moving the use to another location and the Planning Commission declares the special use to be null and void.
- e. When the specific terms of a Special Land Use Permit have been violated and are not in compliance.
- f. Notice of termination of a Special Land Use Permit shall be given to the applicant in writing. The applicant shall have thirty (30) days to appeal the termination.

501:4 STANDARDS FOR SPECIAL LAND USES AND STRUCTURES

In consideration of all applications for Special Land Use approval, the township shall review each case individually as to its applicability and must find affirmatively to each of the following standards of the proposed Special Land Use if it is to be approved.

1. The proposed Special Land Use shall be of such location, size and character that it will be in harmony with the appropriate and orderly development of the surrounding neighborhood and/or vicinity and applicable regulations of the zoning district in which it is to be located.
2. The proposed use shall be of a nature that will make vehicular and pedestrian traffic no more hazardous than is normal for the district involved, taking into consideration vehicular turning movements in relation to routes of traffic flow, proximity and relationship to intersections, adequacy of sight distances, location and access of offstreet parking and provisions for pedestrian *traffic*, with particular attention to minimizing child-vehicle interfacing.
3. The proposed use shall be designed as to the location, size, intensity, site layout and periods of operation of any such proposed use to eliminate any possible nuisance emanating therefrom which might be noxious to the occupants of any other nearby permitted uses, whether by reason of dust, noise, fumes, vibration, smoke or lights.
4. The proposed use shall be such that the proposed location and height of buildings or structures and location, nature and height of walls, fences and landscaping will not interfere with or discourage the appropriate development and use of adjacent land and buildings or unreasonably affect their value.
5. The proposed use shall relate harmoniously with the physical and economic aspects of adjacent land uses as regards prevailing shopping habits, convenience of access by prospective patrons, continuity of development, and need for particular services and facilities in specific areas of the township.
6. The proposed use is necessary for the public convenience at the proposed location.
7. The proposed use is so designated, located, planned and to be operated that the public health, safety and welfare will be protected.
8. The proposed use shall not cause substantial injury to the value of other property in the neighborhood in which it is to be located and will not be detrimental to existing and/or other permitted land uses in the zoning district.

502 NONCONFORMING USES AND STRUCTURES

Within the districts established by this Ordinance or amendments that later may be adopted, there exist lots, structures, uses of land and structures and characteristics of use which were lawful before this Ordinance was passed or amended, but which would be prohibited, regulated or restricted under the terms of this Ordinance or future amendments. It is the intent of this Ordinance to permit these nonconformities to continue until they are removed, but not to encourage their survival.

502:1 NONCONFORMING USES OF LAND

Where at the time of the passage of this Ordinance lawful use of land exists which would not be permitted by the regulations imposed by this Ordinance and where such use involves individual structures with a replacement cost of less than \$1,000.00, the use may be continued so long as it remains otherwise lawful, provided:

1. No such nonconforming use shall be enlarged or increased or extended to occupy a greater area of land than was occupied at the effective date of adoption of this Ordinance.
2. No such nonconforming use shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such use at the effective date of adoption or amendment of this Ordinance.
3. If any such nonconforming use of land ceases for any reason for a period of more than thirty (30) days, any subsequent use of such land shall conform with the regulations specified by this Ordinance for the district in which such land is located.
4. No additional structure not conforming to the requirements of this Ordinance shall be erected in connection with such nonconforming use of land.

502:2 NONCONFORMING STRUCTURES

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

1. No such nonconforming structure may be enlarged or altered in a way which increases its nonconformity, but any structure or portion thereof may be altered to decrease its nonconformity.
2. Any such nonconforming structure which has been damaged or destroyed by any means to an extent of more than fifty percent (50%) of its replacement cost at the time of damage or destruction, shall not be reconstructed except in case of unusual hardship for which the Zoning Board of Appeals may grant conditional approval for reconstruction.
3. Should such nonconforming structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

502:3 NONCONFORMING USES OF STRUCTURES OR OF STRUCTURES AND PREMISES IN COMBINATION

If lawful use involving individual structures with a replacement cost of \$1,000.00 or more, or of structure and premises in combination, exists at the effective date of adoption or amendment of this Ordinance, that would be allowed in the district under the terms of this Ordinance, the lawful use may be continued as long as it remains otherwise lawful, subject to the following provisions:

1. No existing structure devoted to a use not permitted by this Ordinance in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved, or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located.
2. Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this Ordinance but no such use shall be extended to occupy any land outside such building.
3. If no structural alterations are made, any nonconforming use of a structure, or structure and premises, may as an exception be changed to another nonconforming use provided the Zoning Board of Appeals, in considering the specific case, shall find that the proposed use is equally appropriate or more appropriate to the district than the existing nonconforming use. In permitting such change, the Zoning Board of Appeals may require appropriate conditions and safeguards in accord with the provisions of this Ordinance.
4. Any structure, or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district and the nonconforming use may not thereafter be resumed.
5. When a nonconforming use of a structure, or structure and premises in combination, is discontinued or abandoned for six (6) consecutive months or for eighteen (18) months during any three (3) year period (except when government action impeded access to the premises or if it is a seasonal type use), the structure, or structure and premises in combination, shall not thereafter be used except in conformity with the regulations of the district in which it is located.
6. Where nonconforming use status applies to a structure and premises in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land. Destruction for the purpose of this subsection is defined as damage to an extent of more than fifty percent (50%) of the replacement cost at time of destruction.

502:4 REPAIR OR REPLACEMENT

Repair or replacement of nonbearing walls, fixtures, wiring or plumbing may be performed in or on a nonconforming use provided:

1. During any consecutive twelve (12) month period, extent of repair or replacement shall not exceed ten percent (10%) of the current replacement cost of the nonconforming structure.
2. Cubic contents of the structure shall not be increased.

502:5 CHANGE OF OWNERSHIP

Change of ownership between private parties does not remove the nonconformity nor extend time limits.

502:6 REPLACEMENT COST

Replacement cost as used in the above provisions is the cost of restoring the structure to its original condition as appraised by the building official. Persons aggrieved by said appraisal may appeal to the Zoning Board of Appeals

502:7 REMOVAL OF NONCONFORMING STATUS

Any nonconforming structure or premises may be made conforming by appropriate action or modifications which cause the structure or premises to fulfill the requirements of the district in which it is located. In the case of a nonconforming use which is a use designated as a special use by this Ordinance, the nonconforming status may be removed upon issuance of a special use permit after the appropriate action has been taken in accordance with the provisions of this Ordinance.

502:8 SPECIAL LAND USES NOT NONCONFORMING

Any existing use or uses hereafter approved as a Special Land Use or a Special Exception as provided in this Ordinance shall not be deemed a nonconforming use, and shall without further action be deemed a conforming use in the appropriate district. This applies only to those uses which require a special exception or Special Land Use approval. It does not make other uses conforming.

503 SIGNS

All signs shall conform to all codes and ordinances of the Township of West Traverse and excepting "Exempted Signs" (subsection 503:4), shall require approval and a permit issued by the Zoning Administrator for erection or alteration.

503:1 PERMITTED SIGNS AND DISTRICT REQUIREMENTS FOR SIGNS

Signs and devices in designated zoning districts are subject to the following regulations and requirements:

1. All Districts

Signs established for the township, county, state or federal governments for public information or direction are permitted without special requirements.

2. A-1, R-1, C-I Districts

- a. Signs shall have a maximum total surface area of twelve (12) square feet in an A-1 and R-1 District and thirty-two (32) square feet in a C-I District, and thirty-two (32) square feet for businesses operating under Special land Use approval.
- b. Signs shall be permitted anywhere on the premises except that they shall be at least twenty (20) feet from the lot line and no closer than twenty (20) feet to the highway right-of-way. The distance from the right-of-way may be decreased by the Zoning Administrator for temporary signs and the Planning Commission for permanent signs in specific instances where a finding is made that topography, geography, or unalterable site vegetation render the signs unreadable.
- c. Each property owner shall be permitted no more than two (2) signs on each road frontage of his/her property.
- d. Signs shall not be altered or used for other purposes than originally permitted and shall be removed within fourteen (14) days of termination of the original use.
- e. Signs shall indicate only the name of the use, product and/or occupant of the property upon which the sign is located and may include the address of said property.
- f. Signs with illumination shall be permitted providing the source of light is not visible from any roadway or any adjoining property.

503:2 PROHIBITED SIGNS

The signs and devices listed in this subsection shall not be permitted, erected or maintained in any district.

1. Signs which incorporate, in any manner, flashing lights, moving lights or string lights.
2. Signs affixed to trees, shrubs, rocks or other natural surfaces.

3. Any sign which has any visible moving parts, visible revolving parts, or visible mechanical movements of any description or other apparent visible movement achieved by electrical, electronic or mechanical means, including intermittent electrical pulsations or by action of natural wind currents.
4. Any sign or sign structure which is structurally unsafe, or constitutes a hazard to safety or health by reason of inadequate maintenance, dilapidation or abandonment or is not kept in good repair, or is capable of causing electrical shocks to persons likely to come in contact with it.
5. Any sign which, by reason of its size, location, content, coloring or manner of illumination, constitutes a traffic hazard or a detriment to traffic safety by obstructing the vision of drivers or by detracting from the visibility of any traffic sign or control device on public streets or roads.
6. Any sign which obstructs free ingress or egress through a required door, window, fire escape or other required exit way.
7. Signs which make use of words such as "STOP," "LOOK," "DANGER," or any other words, phrases, symbols or characters, in such a manner as to interfere with, mislead or confuse traffic.
8. Any sign on the highway right-of-way or otherwise unlawfully installed, erected or maintained.
9. Any sign which is not necessary to the business being conducted on the property on which the sign is located, except a sign which is for the purpose of direction only and which contains only the name of the business and its location.
10. Portable signs except as listed in subsection 503:3 of this Ordinance.

503:3 TEMPORARY SIGNS

The signs and devices listed in this subsection shall be permitted on a temporary basis and shall not require a permit.

1. Construction signs which identify the name of the building, the owner, the architect, engineer, contractor and other individuals involved with the construction but not including the advertisement of any product or service, during the period of construction. These signs shall have a maximum surface of twelve (12) square feet, shall be confined to the site of construction and shall be removed within fourteen (14) days following occupancy for the intended use of the project.
2. Real estate signs advertising the sale, rental or lease of the premises or part of the premises on which the signs are displayed. Such signs shall not exceed a total of twelve (12) square feet and shall be removed within fourteen (14) days after the sale, lease or rental.
3. Election campaign signs announcing a candidate or issue to be voted upon. Such signs shall not exceed a total area of twelve (12) square feet for each premises, shall be confined to private property and shall be removed within fourteen (14) days following the election to which they pertain.

4. Community or special event signs advertising a public entertainment or event. Such signs shall not exceed a total area of twelve (12) square feet and shall be removed within fourteen (14) days following the event.
5. Signs on farms advertising products raised and sold on the farm. Such signs shall not exceed a total area of twelve (12) square feet.

503:4 EXEMPTED SIGNS

The signs and devices listed in this subsection may be used without permit or approval when not in violation of any law or safety standard or any other portion of this Ordinance.

1. Signs erected by an official governmental body or agency and deemed necessary for the protection of the public health, safety, and welfare.
2. Holiday decorations and greetings in season.
3. Signs required by law to be displayed.
4. Exempt signs on nonresidential establishments shall be limited to the following:
 - a) Temporary window signs not occupying more than 25 percent of the window space.
 - b) Wall signs and behind the window signs with lettering or symbols of three (3) inches or less may be permitted in addition to the permitted signs per establishment.
 - c) One (1) gasoline changeable price sign no larger than twelve (12) square feet for each establishment selling gasoline or diesel fuel as part of its principal permitted use.
5. One (1) non-illuminated nameplate, not more than two (2) square feet in area, which shall contain only the name and/or occupation of the resident of the premises.

503:5 APPLICATION

Any application for sign not covered by this section of the Ordinance will be referred to the Zoning Board of Appeals for granting or denying a permit, based on practical difficulties or unnecessary hardship.

ARTICLE VI

TERMINOLOGY AND DEFINITIONS

For the purposes of this Ordinance, the following rules shall apply to the terminology in the text and the following definitions shall apply to words and phrases used in the text.

601 TERMINOLOGY

1. In case of any difference of meaning or implication between the text and any caption or illustration, the text shall take precedence.
2. The word "shall" is always mandatory and not discretionary. The word "may" is permissive.
3. Words used in the present tense shall include the future. Words used in the singular number shall include the plural and the plural the singular, unless the text clearly indicates the contrary.
4. The phrase "used for" includes "arranged for," "designed for," "intended for," "maintained for," or "occupied for."
5. The word "person" includes an individual, a corporation, a partnership, an incorporated association or any similar entity.
6. The word "occupied" and the word "used" shall be considered to be followed by the words "or intended, arranged or designed to be used or occupied."
7. Terms not herein defined shall have the meaning customarily assigned to them.

602 DEFINITIONS

Accessory Uses and Structures - uses and structures which are customarily accessory and clearly incident and subordinate to, and on the same zoning lot as permitted principal or special uses and structures in any zoning district.

Alteration - any change in size, shape, character, occupancy or use of a building or structure.

Bed and Breakfast Establishment - an establishment where overnight lodging and breakfast is offered for compensation by the resident owner of a private single-family home to unrelated transient families or individuals.

Berm - a mound of soil graded, shaped and improved with landscaping in such a fashion as to be utilized for screening purposes.

Board of Appeals - the Zoning Board of Appeals of West Traverse Township (see Section 701:3).

Building, Single Family - a detached residential dwelling unit designed for and occupied by one family only (does not include mobile homes).

Building, Two Family - a detached residential building containing two dwelling units, designed for occupancy by not more than two families.

Building, Multiple Family - a residential building designed for or occupied by three or more families, with the number of families in residence not exceeding the number of dwelling units provided.

Clinic - an institution for the medical treatment of humans and dealing chiefly with outpatients.

Club or Lodge - the room, building or other facilities used for the meetings of a group of people organized for a common purpose such as a fraternal organization or a society.

Common Wall Building - Any building wherein individual principal uses or dwelling units are separated from one another by a common wall.

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

Drive-in Facilities - any place or premises which offers the sale of goods or services to customers in vehicles including those establishments where customers may serve themselves and use the goods or services on the premises.

Dwelling Unit - one or more habitable rooms which are occupied or intended for occupancy by one family with facilities for living, sleeping, cooking, eating and sanitation.

Essential Services - equipment and accessories reasonably necessary for the providing of adequate service by public utilities or governmental departments or commissions or for the public health or safety or general welfare, but not including buildings other than such buildings as are primarily enclosures or shelters of essential service equipment.

Family - is one or two persons or parents, with their direct lineal descendants or dependent children (and including the domestic employees thereof) together with no more than two persons not so related, living together in the whole or in part of a dwelling comprising a single housekeeping unit. Every additional group of two or more persons living in such housekeeping unit shall be considered a separate family for the purpose of this Ordinance.

Fast Food Restaurant - an establishment predominantly offering food prepared for and/or packaged as carry out items (mostly in disposable containers) whether consumed on the premises in the building, parking lot or elsewhere.

Fraternity House - see Rooming House.

Gasoline Service Station - any structure or premises arranged, designed or used for the retail sale of fuels, lubricants, air, water and other operating commodities for motor vehicles and including the customary space and facilities for the installation of such commodities on or in such vehicles and for the washing or polishing of such vehicles but not including the use of space or facilities for the refinishing of motor vehicles or for the rebuilding or the dismantling for the purpose of re-use or resale of motor vehicles or parts thereof or for the outdoor storage or repair of motor vehicles or parts thereof.

Hard Surfaced - paved with concrete or bituminous material. Such concrete pavement shall be of a minimum thickness of six (6) inches and any bituminous paving shall be a minimum thickness of one and one-half (1-1/2) inches and shall be placed upon a base of processed road gravel of a minimum thickness of six (6) inches, or equivalent surface and base thickness certified by a registered engineer. The Zoning Board of Appeals may grant a variance to this requirement upon recommendation of the Planning Commission where a more imaginative paving solution is presented that is more attractive and still provides for orderly parking, proper drainage, adequate load bearing and dust control.

Height of Structure - the vertical distance measured from the established grade at the center of the front of the structure to the highest point of the structure whether it be roof, wall, parapet or similar appurtenance of the structure.

Home Occupations - an activity carried on by a resident occupant of a dwelling unit as a secondary use which is clearly incidental to the use of the dwelling unit for residential purposes.

Junk Yard - an open area where waste or scrap materials are brought, sold, exchanged, stored, baled, packed, disassembled or handled, including but not limited to scrap iron and other metals, paper, rags, rubber tires and bottles and also including an auto wrecking yard but not including uses established entirely within closed buildings.

Kennel - any premises on which dogs, cats or other household pets are maintained, boarded, bred or cared for, in return for remuneration or are kept for the purpose of sale.

Loading Space on Site - space logically and conveniently located for merchandise or passenger pickups and deliveries, located on the same lot with the use which it is to serve for the temporary parking of vehicles which are performing the said pickups and deliveries.

Lot - a parcel, tract or portion of land separated from other parcels or portions of land by description on a recorded plat or, by metes and bounds description.

Lot - Corner - any lot having at least two (2) contiguous sides abutting upon one or more streets, provided that the interior angle at the intersection of such two sides is less than one hundred thirty-five (135) degrees. Any lot line separating the lot from any street shall be construed as a front lot line.

Lot - Double Frontage - any lot including a corner lot, as defined herein, having two (2) or more sides abutting one (1) or more streets. Any lot line separating the lot from any street shall be construed as being a front lot line

Lot Line - any line bounding a lot.

1. Front Lot Line - the lot line separating the lot from the street.
2. Rear Lot Line - the lot line opposite to and most distant from the front lot line as designated for each lot; in the case of irregularly shaped lots, an imaginary line parallel to the front lot line but not less than ten (10) feet long measured within said lot.
3. Side Lot Line - any lot line other than a front or rear lot line.

Mean Grade - mean grade is defined as the arithmetic average of elevations of points on the boundary lines of a site (parcel of land) uniformly spaced and not more than one hundred (100) feet apart.

Mobile Home - a structure transportable in one or more sections, which is built on a chassis and designed to be used as a dwelling with or without permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained in the structure. Mobile home does not include a travel trailer.

Mobile Home Park - a parcel or tract of land under the control of a person upon which three (3) or more mobile homes are located on a continual non-recreational basis and which is offered to the public for that purpose regardless of whether a charge is made therefore, together with any building, structure, enclosure, street, equipment, or facility used or intended for use incident to the occupancy of a mobile home and which is not intended for use as a temporary trailer park.

Nonconforming Use or Structure - any use or structure which was lawfully existing immediately prior to the time this Ordinance became effective and which does not now comply with the requirements thereof.

Parking Space - On Site - any space designated and used for the parking of motor vehicles, located on the same site, lot or parcel with the use which it is to serve in accordance with this Ordinance.

Person - an individual, partnership, association, trust, or corporation, or any other legal entity or combination thereof.

Pool, Private Swimming - an artificially constructed basin or other structure for the holding of five hundred (500) or more gallons of water for the use by owner, his family or guests for aquatic sports or recreation.

Principal Use - the primary or chief purpose for which a lot is used.

Public Utility - any person, firm, corporation, department or board, duly authorized to furnish and furnishing to the public under Federal, State or County regulations, electricity, gas, steam, communications, transportation or water.

Public Utilities Facilities - electric transformer stations, gas regulator stations, gas valve houses, booster stations, telephone exchange buildings and telephone repeater buildings, and other similar utility uses.

Public Road - A public right-of-way-which has been dedicated and accepted by West Traverse Township and Emmet County Road Commission for the purpose of providing access to abutting lots or land.

Private Access Ways (Private road/road easement) - A right-of-way, owned, constructed and maintained by a private individual or individuals, for the purpose of providing access to abutting lots or lands.

Rooming House - also referred to as a boarding home, lodging house, fraternity house, sorority house or dormitory. A dwelling having one kitchen and used for the purpose of providing lodging or lodging and meals for pay or compensation of any kind, to more than two persons other than members of the family occupying such dwelling.

Sanitary Landfill - an area planned and designed for the disposing of refuse, as defined by the Michigan Solid Waste Disposal Act 87, P. A. 1965, as amended, without creating nuisances or hazards to public health or safety.

Setback Line - the line limiting the minimum horizontal distance between the side of a structure and the nearest lot line.

Sign - any device designed or intended to inform or attract the attention of any person.

Sorority House - see Rooming House.

Structure - anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground including buildings, walls, fences and signs.

Special Land Use - a use that would not be permitted without restriction throughout the zoning district but which would be in the best interest of the public health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity or general welfare. Such uses may be permitted in accordance with the provisions set fort in Section 501 of this Ordinance.

Stable - Private - a privately owned facility, including shelter buildings, corrals and feed and storage buildings, for the keeping of riding horses for use by the owner, his family or guests for riding sports or recreation without pay or compensation of any kind.

Stable - Public - a facility, including shelter buildings, corrals and feed and storage buildings, for the keeping of riding horses for use by the owner, his family or guests or for customers for riding sports or recreation for which there is rental or compensation of any kind.

Timber and Tree Products Production - the cutting, splitting, hauling, extraction, and similar processing of tree products not including the selling of finished lumber products.

Timesharing - the ownership of or the right to use real property or other such property such as dwelling units, hotel or motel rooms, and other such accommodations, for a designated portion of each year. Timesharing may also be known as interval ownership or by other names with varying forms or procedures that accomplish the same intent.

Travel Trailer - any movable or mobile dwelling, except as defined as a mobile home. Included as travel trailers are trailer coaches, campers, house cars and similar recreational type equipment used for temporary or recreational dwellings.

Travel Trailer Park or Campground - a lot, parcel or tract of land which has been planned and improved for placement, on a temporary basis, of travel trailers, campers, tents and similar temporary living facilities in accordance with this Ordinance.

Yard - an open space on the same lot with a structure, unoccupied and unobstructed on or above grade level which extends along a lot line and to a depth or width specified in the yard requirements for the zoning district in which it is located.

Yard, Required Front - the open space extending the full width between the side lot lines and also the full depth between the front lot line and the required setback line as specified for each zoning district.

Yard, Required Rear - the open space extending the full width between the side lot lines and also the full depth from the rear lot line to the line specified as the minimum distance a structure may be located from the rear lot line as specified for each zoning district.

Yard, Required Side - the open space on either side of a structure extending from the required front yard (setback line) to the required rear yard and also the full width from the side lot lines to the lines specified as the minimum distance a structure may be located from the side lot line as specified for each zoning district.

Zoning Administrator - the duly authorized official of West Traverse Township who is responsible for administering and enforcing of this Ordinance.

Zoning Districts - the areas into which West Traverse Township has been divided and for which the regulations and requirements governing use and size of lots and structures are specified in this Ordinance.

ARTICLE VII

ADMINISTRATION AND ENFORCEMENT

701 ADMINISTRATION

The provisions of this Ordinance shall be administered and enforced by the Zoning Administrator and Assistant Zoning Administrator. The Assistant Zoning Administrator shall act in the capacity of Zoning Administrator in all situations where the Zoning Administrator is unable to act by reason of absence, illness, attention to other responsibilities, or any other disability and when requested to so act by the Zoning Administrator for the Township of West Traverse.

701:1 TOWNSHIP PLANNING COMMISSION

The Township Planning Commission is created as specified in Section 3, Act 168, Public Acts of Michigan, 1959, as amended. All powers, duties and responsibilities provided by Act No. 184 of the Public Acts of 1943, as amended, for zoning boards created thereunder are transferred to the Planning Commission by resolution of the Township Board as provided in Section 11 of Act 168 of the Public Acts of 1959, as amended, and shall perform the duties of said Planning Commission/Zoning Board as provided in these Acts together with such other powers and duties as are given to such Planning Commission by the provisions of this Ordinance, including authority to act on all matters requiring the approval or recommendation of such Planning Commission.

701:2 DUTIES AND LIMITATIONS OF THE ZONING ADMINISTRATOR

1. The Zoning Administrator shall have the power to grant Permits and Certificates of Occupancy and to make inspections of buildings or premises necessary to carry out his duties in the enforcement of this Ordinance.
2. Every application for Permit for excavation, construction, moving, alteration, or change in type of use or type of occupancy, shall be accompanied by a written statement and plans or plats, drawn to scale, showing the following in sufficient detail to enable the zoning Administrator to ascertain whether the proposed work or use is in conformance with the provisions of this Ordinance.
 - a. The actual shape, location and dimension of the lot: if the lot is not a lot of record, sufficient survey data to locate the lot on the ground.
 - b. The shape, size and location of all buildings, or other structures, to be erected, altered or moved, and of any other buildings, or other structures, already on the lot.
 - c. The existing and intended use of the lot and of all structures upon it.
 - d. Such other information concerning the lot, adjoining lots or other matters as may be essential for determining whether the provisions of this Ordinance are being observed.
3. If the proposed excavation, construction, moving, alteration or use of land as set forth in the application are in conformity with the provisions of this Ordinance, the Zoning Administrator shall issue a permit. However:

- a. Issuance of a permit shall in no case be construed as waiving any provisions of this Ordinance.
 - b. The Zoning Administrator under no circumstances is permitted to grant exceptions to the actual meaning of any clause, order, or regulation contained in this Ordinance, to any person making application to excavate, construct, move, alter, or use either buildings, structures or land.
 - c. The Zoning Administrator under no circumstances is permitted to make changes in this Ordinance or to vary the terms of this Ordinance in carrying out his duties as Zoning Administrator.
 - d. The Zoning Administrator shall issue a permit when the imposed conditions of this Ordinance are complied with by the applicant regardless of the effect of such a permit on contracts, such as deed covenants or private agreements.
 - e. If any application for such permit is not approved, the Zoning Administrator shall state, in writing, the cause for such disapproval.
4. A zoning permit shall be valid for a period not to exceed one (1) year from date of issuance unless construction has started and proceeds to completion. The Zoning Administrator may grant an extension, thereof, for a period not to exceed one (1) year.

701:3 ZONING BOARD OF APPEALS

PURPOSE

In order that the objectives of this Ordinance may be fully and equitably achieved, that a means shall be provided for competent interpretation of this Ordinance, that adequate but controlled flexibility be provided in the application of the Ordinance, that the health, safety and welfare of the public be secured, and that justice be done, there is hereby established a Township Zoning Board of Appeals.

CREATION - MEMBERSHIP

The West Traverse Township Board shall appoint a Township Zoning Board of Appeals to consist of five (5) members. The first member of such Board of Appeals shall be the chairman of the Township Planning Commission or his/her designated representative from the Planning Commission; the second member shall be a member of the Township Board; and three members shall be selected and appointed by the Township Board. No elected officer of the Township nor any employee of the Township Board may serve simultaneously as a member or as an employee of the Township Zoning Board of Appeals. The Township Board shall provide that the Township Board of Appeals shall have five (5) members. The additional members shall be selected and appointed by the Township Board from among the electors residing in the unincorporated area of the Township. The Township Board may further appoint two (2) alternate members as prescribed by State Law, to sit on the Zoning Board of Appeals whenever a

regular member expects to be absent. The member who is a member of the Township Board shall not serve as chairman of the Township Board of Appeals.

Members of the Board of Appeals shall be removable by the Township Board for nonperformance of duty or misconduct in office upon written charges and after public hearing.

RULES OF PROCEDURE

1. The Board shall adopt rules and regulations to ensure proper conduct of its meetings. Copies of such regulations shall be made available to the public at the office of the Township Clerk.
2. Meetings of the Board shall be open to the public and shall be held at the call of the chairman and at such times as the Board may determine.
3. The Board shall act by resolution. The concurring vote of a majority of the members of said Board shall be necessary to reverse any order, requirement, decision, determination of the Zoning Administrator or to decide in favor of the applicant any matter upon which the Board is required to pass under this Ordinance or to grant variances from the requirements of this Ordinance.
4. Records - Minutes shall be recorded of all proceedings which shall contain evidence and data relevant to every case considered together with the votes of the members and the final disposition of each case. The grounds of every determination shall be stated. Such minutes shall accompany and be attached to the standard forms required of persons appealing as part of the Zoning Board of Appeals' permanent records. Such minutes shall become a public record and as such be filed in the office of the Township Clerk. A copy of the decision shall be sent promptly to the applicant and to the Zoning Administrator.

APPEALS

1. Appeals to the Zoning Board of Appeals may be made by any person aggrieved, or by an officer or Board of the Township.
2. Any appeal from a ruling of the Zoning Administrator shall be made within thirty (30) days after receipt of the ruling. The persons making the appeal must file with the Zoning Administrator a signed notice of appeal specifying the grounds for the appeal. The Zoning Administrator shall immediately transmit to the Zoning Board of Appeals all the papers constituting the record upon which the action appealed from was taken.
3. Hearings - When a notice of appeal has been filed in proper form with the Zoning Board of Appeals, the secretary, or the secretary's designated official, shall immediately place the said request for appeal upon the calendar for hearing and shall cause notices stating the time, place and purpose of the hearing to be served personally or by mail addressed to the parties asking the request for appeal at least fifteen (15) days prior to the date of the scheduled hearing. The Zoning Board of Appeals may recess such hearings from time to

time and if the time and place of the continued hearing be publicly announced at the time of adjournment, no further notice shall be required (State Open Meetings Act - must be followed).

4. Decisions - The Zoning Board of Appeals shall return a decision upon each case within sixty (60) days after a request or appeal has been filed with the Board unless additional time is agreed upon with the parties concerned. Decisions made by the Zoning Board of Appeals will be transmitted, in writing, to the appealing party and to the Zoning Administrator.
5. Representation - Any party may appear in person or by agent or by attorney at a hearing considering his request or appeal.

DUTIES AND POWERS OF THE ZONING BOARD OF APPEALS

The Township Zoning Board of Appeals shall have the following specified duties and powers:

1. Review - Shall hear and decide appeals from any review, any order, requirement, decision or determination made by the Zoning Administrator in the administration of this Ordinance.
2. Interpretation - Shall have the power to:
 - a. Hear and decide upon appeals for the interpretation of the provisions of this Ordinance.
 - b. Determine the precise location of the boundary lines between zoning districts when there is disagreement with a decision on such subject made by the Zoning Administrator.
 - c. Determine the off street parking and loading space requirements of any use which is not mentioned in the West Traverse Township Zoning Ordinance.
3. Variances - The Zoning Board of Appeals shall have the power to authorize, upon appeal, specific variances from such dimensional requirements as lot area and width regulations, building height and square foot regulations, yard width and depth loading space as specified in this Ordinance when all the basic conditions listed below are specified. It shall be found by the Zoning Board of Appeals that any variance granted:
 - a. Will not be contrary to the public interest or to the spirit and intent of this Ordinance.
 - b. Shall not permit the establishment within a Zoning district any use which is not permitted by right within that district.

- c. Will not cause any adverse effect to property values in the vicinity or in the zoning district or the township.
 - d. Relates only to property that is under control of the applicant.
 - e. Affects only property subject to exceptional or extraordinary circumstances or conditions that do not generally apply to other property or uses in the vicinity, and have not resulted from any act of the applicant.
4. In addition to the foregoing conditions, the following rules shall be applied in the granting of variances:
- a. In granting a variance, the Zoning Board of Appeals may specify, in writing to the applicant, such conditions in connection with the granting that will, in its judgment, satisfy the objective of the regulations or provisions to which such variance applies. The breach of any such conditions shall automatically invalidate the permit granted.
 - b. No application for a variance which has been denied wholly or in part by the Zoning Board of Appeals shall be resubmitted for a period of one (1) year from the date of the last denial, except on grounds of newly discovered evidence or proof of changed conditions found upon inspection by the Board of Appeals to be valid.

STAY OF PROCEEDINGS

An appeal stays all proceedings in furtherance of the action appealed from unless the Zoning Administrator certifies to the Zoning Board of Appeals after the notice of the appeal shall have been filed with him/her that, for reasons of facts stated in the certificate, a stay would in his/her opinion, cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise than by a restraining order, which may be granted by the Zoning Board of Appeals or, on application, by the Circuit Court on notice to the officer from whom the appeal is taken and on due cause shown.

SPECIAL LAND USES AND PLANNED UNIT DEVELOPMENTS

- 1. The Township Zoning Board of Appeals shall have no jurisdiction over special land use or planned unit development decisions of the Township Planning Commission and no appeal from such Planning Commission decisions in regard thereto shall be taken to the Board of Appeals.
- 2. The Board of Appeals shall have no jurisdiction to hear appeals concerning an ordinance amendment, text and/or map, as duly enacted by the Township Board.

STATEMENT OF GROUNDS OF DETERMINATION

The Board of Appeals shall prepare a written, fully documented, statement of the grounds for any decision it may make.

TERMINATION

Any variance granted by the Zoning Board of Appeals which has not been implemented or initiated within one (1) year shall be null and void.

701:4 CERTIFICATES OF OCCUPANCY

1. No building, structure, zoning lot or part thereof other than a single family residence which is subject to the provisions of this Ordinance shall be used or occupied or changed in its use or principal occupant until the Zoning Administrator, has, after final inspection, issued a Certificate of Occupancy indicating compliance has been made with all the provisions of this Ordinance. However, the issuance of a Certificate of Occupancy shall in no case be construed as waiving any provision of this Ordinance.
2. Under such rules and regulations as may be established by him, the Zoning Administrator may issue a temporary Certificate of Occupancy for a part of a building.
3. Upon written request from the owner or tenant, the Zoning Administrator shall issue a Certificate of Occupancy for any building or premises existing at the time of enactment of this Ordinance, certify after inspection, the extent and kind of use made of the buildings or premises and whether such use conforms to the provisions of this Ordinance.
4. No permit or certificate shall be issued for any illegal use or occupancy existing at the time of the adoption of this Ordinance.

701:5 AMENDMENT PROCEDURE

This Ordinance may be amended or supplemented from time to time in accordance with Section 14 of Act 184 of the Public Acts of 1943, as amended. The Zoning Map shall be revised promptly upon adoption of such amendment or supplement when applicable.

701:6 FEES

The Township Board shall establish by resolution, fees for each of the following:

1. Inspection and certification. Fees for inspection and the issuance of permits or certificates or copies thereof, required or issued under the provisions of this Ordinance shall be collected by the Township Treasurer in advance of the issuance of such permits or certificates.

2. Appeals. Any person appealing under this article of the Ordinance, in all cases, shall pay the established fixed fee plus such additional fees as may be deemed reasonable by the Township Board for expert services necessary to render a proper decision.
3. Reviews. Fees for the review of site plans, special land use approval, or other matters requiring Planning Commission or Township Board review under the terms of this Ordinance, shall be paid to cover the cost of such reviews including planner, engineer and other such professional services.
4. Rezoning. Any petition for the rezoning of land requiring an amendment of the West Traverse Township Zoning Ordinance shall be accompanied by a fee payable by the applicant. Said fee shall be utilized to defray all costs including necessary expert opinions in conjunction with the legislative review of the applicant.
5. Other. Fees for special resolutions pertaining to any matter relevant to this Ordinance or for the cost of special meetings of the Planning Commission or the Board of Appeals, shall be paid by the recipient or applicant prior to said resolution or meeting.

702 VIOLATIONS

Whenever a violation of this Ordinance occurs, or is alleged to have occurred, any person may file a written complaint. The complaint shall state fully the causes and basis of the violation and shall be filed with the Zoning Administrator. The Zoning Administrator shall record properly such complaint, immediately investigate, and take action thereon as is provided for by this Ordinance.

The Zoning Administrator may issue a citation for violation of this Ordinance. A violation of this Ordinance is a municipal civil infraction, for which the fine shall be not more than \$500.00, in addition to all other costs, damages, expenses, and other fees and remedies provided or allowed by law.

Each and every day such violation continues shall be deemed a separate and distinct violation. Whoever assists in the commission of such violation shall be responsible for a separate violation. The owner of any building or structure, lot or land or part thereof, where anything in violation of this Ordinance shall be placed or shall exist, and any architect, builder, contractor, agent, corporation, entity or person employed in connection therewith and who assists in the commission of such violation shall also be responsible for a separate violation.

The issuance of a citation for a municipal civil infraction shall not in any way limit the Township from seeking enforcement of this Ordinance in any other manner, including, but not limited to an action to abate any nuisance created by a violation of this Ordinance and to recover any costs, expenses, damages, and fees, including attorney fees, that may be permitted or allowed by law, in connection with such abatement and the enforcement of this Ordinance.

703 VALIDITY

Should any Section, clause or provision of this Ordinance be declared by the courts to be invalid, the same shall not affect the validity of this Ordinance as a whole or any part thereof, other than the part so declared to be invalid.

704 CONFLICTING ORDINANCES

All other ordinances and parts of ordinances, or amendments thereof, of West Traverse Township, in conflict with the provisions of this Ordinance except those ordinances and parts of ordinances or amendments thereto which are more restrictive than this Ordinance, are hereby repealed.

705 EFFECTIVE DATE

This Ordinance shall take effect 30 days after publication.

Adopted by the West Traverse Township Board at a Special Meeting held on February 16, 1972.

Audrey Matthews
Township Clerk

- * Published in the Petoskey News Review March 8, 1972
- * Effective April 7, 1972