

# Avery Township

Montmorency County, Michigan

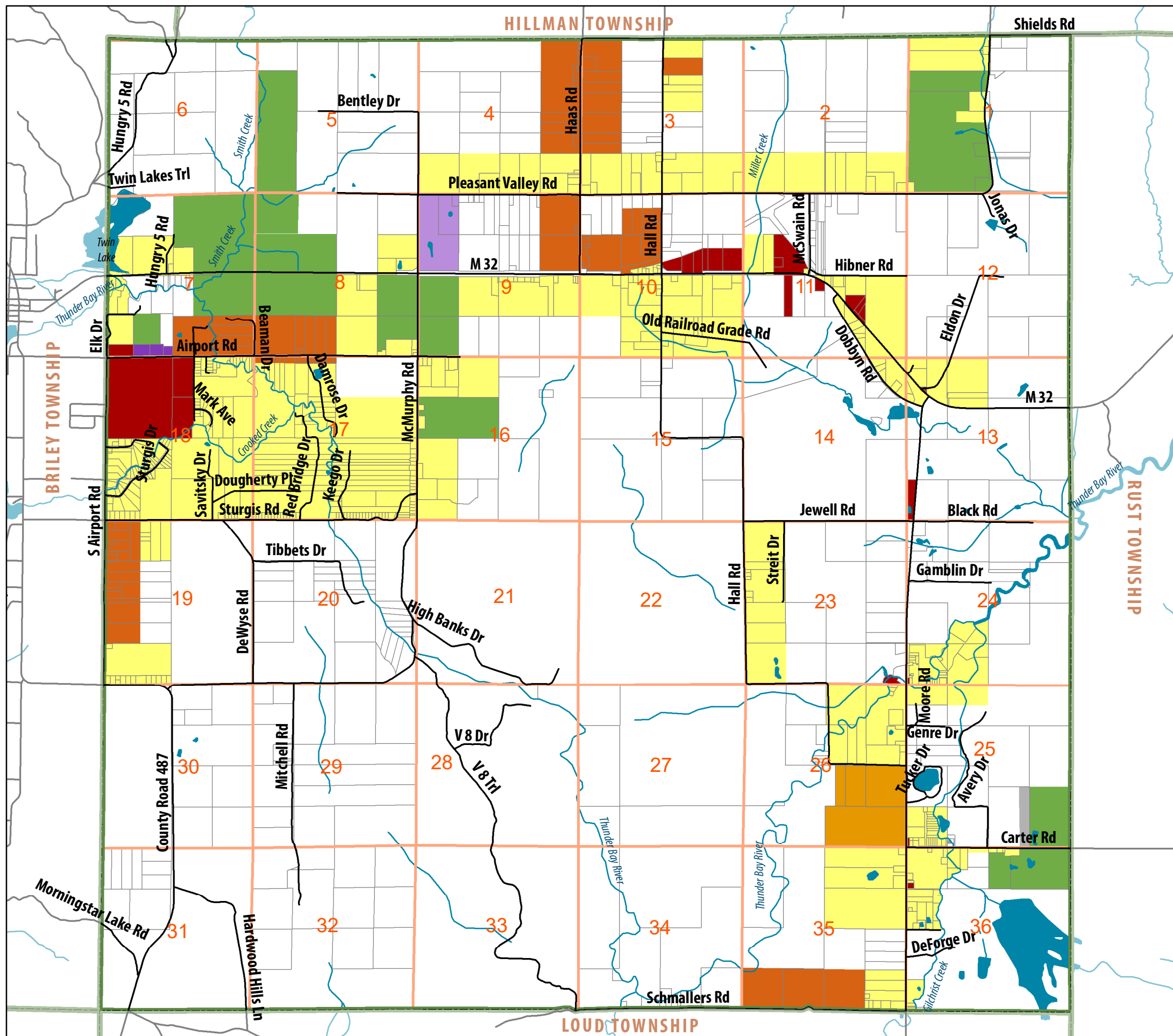
## Zoning Ordinance



Avery Township  
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[averytownship.com](http://averytownship.com)

# Zoning Map of Avery Township

Montmorency County, Michigan

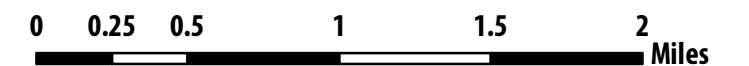


### Zoning Districts

- REC-1: Recreational District
- R- 2: Single-Family Residential District
- R-3: Single-Family/Two-Family Residential District
- R-4: Multiple-Family Residential District
- A: Agricultural District
- C: Commercial District
- I-A: Industrial District
- I-B: Industrial District
- E: Extractive District
- Roads
- Rivers & Streams
- Water Bodies
- Parcels
- Section Lines
- Township Boundary



Adopted: July 5, 2023  
Effective: July 19, 2023



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

# Avery Township ZONING ORDINANCE

Avery Township  
Montmorency County  
Michigan

Adopted: July 5, 2023

Effective: July 19, 2023

*Prepared with the assistance of:*

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

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# Article 1 Purpose

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AVERY TOWNSHIP, MONTMORENCY COUNTY, MICHIGAN, HEREBY ENACTS:

### PREAMBLE

An Ordinance to provide for the establishment of Zoning Districts to encourage and regulate the use of land and proper location of buildings and structures for residence, trade, industry, or other purposes; to regulate dimensions of yards and other spaces; the location of buildings; and to provide for the administration, enforcement, penalties for violation, and amendment of this Ordinance.

### Section 1.1 Title

This Ordinance shall be known as the Avery Township Zoning Ordinance.

### Section 1.2 Purpose

The purposes of this Ordinance are as follows:

- A. To meet the needs of the citizens for food, fiber, energy, and other natural resources, places of residence, recreation, industry, trade, service, and other uses of land;
- B. To ensure that use of land shall be situated in appropriate locations and relationships;
- C. To limit the inappropriate overcrowding of land and congestion of population, transportation systems, and other public facilities;
- D. To facilitate adequate and efficient provision for transportation systems, sewage disposal, water, energy, education, recreation, and other public service and facility requirements;
- E. To promote public health, safety, and welfare.

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## Section 1.3 Authority

This Ordinance is ordained and enacted into law in accordance with the provisions of MCL 125.3101, et. Seq., the [Michigan Zoning Enabling Act, 2006 PA 110](#), as amended.

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## Section 2.1 Construction of Language

In order to clarify the intent of the provisions of this Ordinance, the following rules shall apply, except when clearly indicated otherwise:

- A. The particular shall control the general. Specific regulations applying to specific issues control over general regulations.
- B. The word "shall" is always mandatory and never discretionary. The word "may" is permissive.
- C. All words used in the present tense shall include the future.
- D. All words in the singular number include the plural number and all words in the plural number include the singular number.
- E. A "building" or "structure" includes any part thereof.
- F. The phrase "used for" includes "arranged for", "designed for", "intended for", "maintained for" and "occupied for".

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- G. Unless the context clearly indicates the contrary, where a regulation involves two (2) or more items, conditions, provisions, or events connected by the conjunction "and," "or," "either . . . or," the conjunction shall be interpreted as follows:
  - 1. "And" indicates that all the connected items, conditions, provisions, or events shall apply.
  - 2. "Or" indicates that the connected items, conditions, provisions, or events may apply singly or in any combination.
  - 3. "Either . . . or" indicates that the connected items, conditions, provisions, or events shall apply singly but not in combination.
- H. The word "person" or "entity" includes the word "corporation", "co-partnership", "association", "firm", "limited liability company", or any other legal entity as well as "individual."
- I. "Township" shall refer specifically to the Avery Township.
- J. "Days" means calendar days unless otherwise stated.
- K. Terms not herein defined shall have the meaning customarily assigned to them.
- L. The Zoning Board of Appeals shall define any necessary interpretation of this Ordinance.

**Section 2.2 Definitions**

**A**

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

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

**Accessory Building or Accessory Structure.** A supplemental building or structure on the same lot as the principal building occupied by or devoted exclusively to an accessory use, but not for dwelling, lodging, or sleeping purposes, unless otherwise allowed by this Ordinance. Where an accessory building is attached to a principal building in a substantial manner, such as a wall or roof, the accessory building shall be considered a part of the principal building.

**Accessory Dwelling Unit.** Also known as a "granny flat". A secondary residential dwelling unit located on the same lot as a single-family dwelling unit, either as a stand-alone structure or in a detached building. Accessory dwelling units shall be developed in accordance with the standards set forth in [Section 7.4](#) and only in those zoning districts where the use is listed as allowed.

**Accessory Use.** A use naturally and normally incidental and subordinate to the principal use of the land or

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building.

**Adjacent Property.** Property that adjoins any sides or corners of a specific parcel of land including but not limited to those lands separated from the parcel by a road right-of-way, easements, or public utility rights-of-way.

**Adult Day Care Facility.** A facility receiving adults for care for periods of less than twenty-four (24) hours in a day, for more than two (2) weeks in any calendar year. Care for persons related by blood or marriage to a member of the family occupying the dwelling is excluded from this definition.

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

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

1. **Adult Foster Care Home, Family.** A private residence with the approved capacity to receive six (6) or fewer adults to be provided with foster care twenty-four (24) hours a day, for five (5) or more days a week for two (2) or more consecutive weeks. The licensee shall be a member of the household and an occupant of the residence.
2. **Adult Foster Care Home, Small Group.** An adult foster care facility with the approved capacity to receive twelve (12) or fewer adults to be provided with foster care twenty-four (24) hours a day, for five (5) or more days a week for two (2) or more consecutive weeks.
3. **Adult Foster Care Home, Large Group.** An adult foster care facility with the approved capacity to receive at least thirteen (13), but not more than twenty (20) adults to be provided with foster care twenty-four (24) hours a day, for five (5) or more days a week for two (2) or more consecutive weeks.
4. **Adult Foster Care Congregate Facility.** An adult foster care facility with the approved capacity to receive more than twenty (20) adults to be provided with foster care.
5. **State-Licensed Residential Facility.** A structure constructed for residential purposes that is licensed by the State under the [Adult Foster Care Facility Licensing Act, 1979 PA 218](#), MCL 400.701 to 400.737, or the [Child Care Organizations Act, 1973 PA 116](#), MCL 722.111 to 722.128, and provides residential services for six (6) or fewer individuals under twenty-four (24) hour supervision or care.

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

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

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

**Agriculture.** The use of land or tilling of the soil, raising of trees or field crops or animal husbandry, as a source of income. See *Farm, Commercial* or *Farm, Domestic*.

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

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

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

**Airport.** A parcel of land and accommodating service and/or storage buildings utilized for airplane traffic. An airport may include taxi strips, parking aprons, necessary weather indicators, and appropriate lighting.

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

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

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

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

**Architectural Features.** Architectural features of a building shall include cornices, eaves, gutters, courses,

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sills, lintels, bay windows, chimneys, and decorative ornaments.

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

**Attached.** Any structure or part of a structure immediately adjacent to another structure or part of a structure and fastened securely to the same.

**Automobile Repair Garage.** A commercial building in which any major activity is conducted involving the general repair, rebuilding, or reconditioning of motor vehicles, engines, or trailers; collision repair such as body, frame, or fender straightening and repair; overall painting and vehicle rust-proofing; or refinishing or steam cleaning.

**Automobile Sales Area.** Any space used for display, sale, or rental of motor vehicles, in new or used and operable condition.

**Automobile Wash Establishment.** A building, or portions thereof, the primary purpose of which is that of washing motor vehicles as a commercial enterprise.

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

**B**

**Basement.** That portion of a building which is partly or wholly below grade but so located that the vertical distance from average grade to the floor is greater than the vertical distance from the average grade to the ceiling. A basement shall not be counted as a story. Also see [Story](#).

**Bed and Breakfast/Tourist Home.** Any family-occupied dwelling used or designed in such a manner that certain rooms in excess of those used by the family are rented to the transient public (for periods less than thirty (30) days) for compensation. For the purpose of this Ordinance, the term tourist home also includes bed and breakfast facility.

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

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

**Billboard.** See [Sign: Off-Premise Sign \(Billboard\)](#).

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

A. **Biofuel.** Any renewable fuel product, whether solid, liquid, or gas, that is derived from recently living organisms or their metabolic by-products and meets applicable quality standards, including, but not

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limited to, ethanol and biodiesel. Biofuel does not include methane or any other fuel product from an anaerobic digester.

- B. **Ethanol.** A substance that meets the ASTM international standard in effect on the effective date of this Section as the D-4806 specification for denatured fuel grade ethanol for blending with gasoline.
- C. **Proof Gallon.** That term as defined in 27 CFR 19.907. A gallon of liquid at sixty (60) degrees Fahrenheit which contains fifty (50%) percent by volume of ethyl alcohol having a specific gravity of 0.7939 at sixty (60) degrees Fahrenheit referred to water at sixty (60) degrees Fahrenheit as unity, or the alcoholic equivalent thereof.

**Boarding or Rooming House.** An owner-occupied, single-family dwelling containing guest rooms in which lodging is provided with or without meals for compensation and which is open to permanent guests only (for periods of thirty (30) days or more). No provisions for cooking shall be provided in any guest room.

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

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

**Buffer Strip.** A strip of land of width and location, to be determined by the Planning Commission, reserved for the planting of shrubs and/or trees to serve as an obscuring screen in carrying out the requirements of this Ordinance.

**Buildable Width.** The width of a lot left for building after required side yards are provided.

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

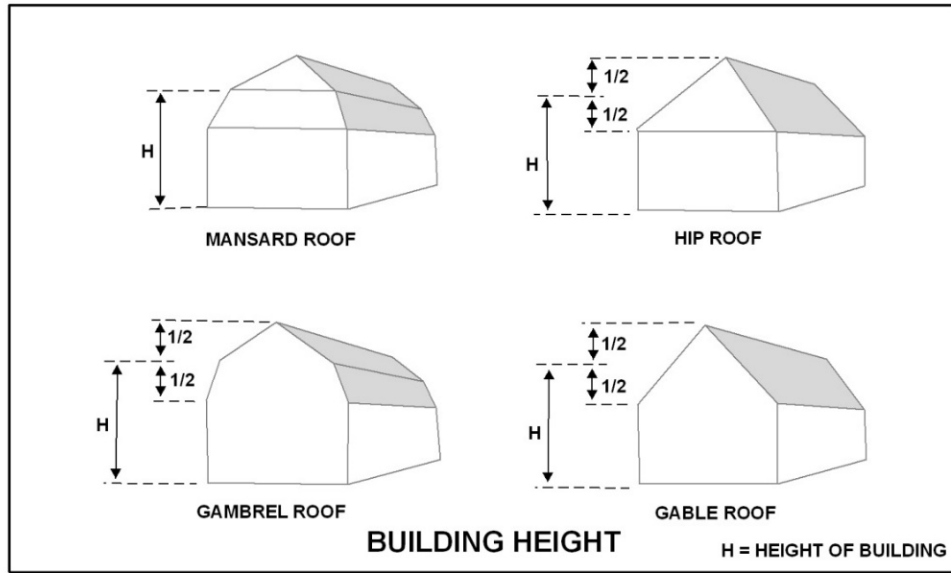
**Building Envelope.** The space remaining on a lot after the minimum setback and open space requirements have been complied with.

**Building Height.** The building height is the vertical distance measured from the established grade:

- A. to the highest point of the roof surface if a flat roof.
- B. to the deck of a mansard roof.
- C. to the mean height level between eaves and ridge of gable, hip, and gambrel roofs.

When the terrain is sloping the ground level is measured at the average wall line.

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**Building, Principal.** A building which is used for the principal purpose of the lot on which it is situated.

**Bulk Station.** A place where crude petroleum, gasoline, naphtha, benzyl, kerosene, benzene, or any other liquid are stored for wholesale purpose, where the aggregate capacity of all storage tanks is more than six thousand (6,000) gallons.

**C**

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

**Campground.** Any parcel or tract of land, under the control of any person wherein sites are offered for the use of the public or members of an organization, either free of charge or for a fee for the establishment of temporary living quarters for five (5) or more recreational units such as tents, campers or recreational vehicles.

**Canoe/Kayak/Boat Livery.** Any premise on which boats or floats of any kind are kept for the purpose of renting, leasing, or providing use thereof to persons other than the owners for a fee.

**Category 4 Site.** A parcel which is classified by the [Michigan Department of Agriculture and Rural Development \(MDARD\)](#) as “Category 4” according to the most current Generally Accepted Agriculture Management Practices (GAAMPS). Category 4 sites are sites which are primarily residential and considered, by MDARD, as not acceptable for new or expanding livestock facilities unless allowed by this Ordinance. Category 4 sites are those which have more than thirteen (13) non-farm residences within one eighth (1/8) mile of the site or those which have any non-farm residence within two hundred fifty (250’) feet of the livestock facility (enclosed fencing). The definition of Category 4 site currently used by

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MDARD supersedes this definition if a difference in definition exists.

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

**Certificate of Compliance.** Written certification, as issued by the Zoning Administrator on behalf of the Township, that states that the project was built in conformity with this Ordinance and with all approved plans.

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

- A. **Child Care Home, Family.** A State-licensed, owner-occupied private home in which one (1) but fewer than seven (7) minor children are received for care and supervision for periods less than twenty-four (24) hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. Care is given for more than four (4) weeks during a calendar year. A family child care home does not include an individual providing babysitting services for another individual. “Providing babysitting services” means caring for a child on behalf of the child’s parent or guardian if the annual compensation for providing those services does not equal or exceed \$600.00 or an amount that would according to the internal revenue code of 1986 obligate the child’s parent or guardian to provide a form 1099-MISC to the individual for compensation paid during the calendar year for those services. Family Child Care Home includes a private home with increased capacity. “Increased capacity” means one (1) additional child added to the total number of minor children received for care and supervision in a family child care home. The definition of Family Child Care Home in [1973 PA 116](#), as amended, supersedes this definition if a difference in definition exists.
  
- B. **Child Care Home, Group.** A State-licensed, owner-occupied private home in which more than six (6) but not more than (12) minor children are given care and supervision for periods less than twenty-four (24) hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. Care is given for more than four (4) weeks during a calendar year. Group child care home includes a private home with increased capacity. “Increased capacity” means two (2) additional children added to the total number of minor children received for care and supervision in a group child care home. The definition of Group Child Care Home in [1973 PA 116](#), as amended, supersedes this definition if a difference in definition exists.
  
- C. **Child Care Center.** A facility other than a private residence receiving one (1) or more preschool or school-age children for periods of less than twenty-four (24) hours a day and where parents or guardians are not immediately available to the child. Care is provided for more than two (2) consecutive weeks, regardless of the number of hours of care per day. May also be referred to as a child care center, day nursery, nursery school, parent cooperative preschool, play group, or drop-in center.

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D. **Child Caring Institution.** A child care facility that is organized for the purpose of receiving minor children for care, maintenance, and supervision, usually on a twenty-four (24) hour basis, in buildings maintained by the child caring institution for that purpose, and operates throughout the year. An educational program may be provided, but the educational program shall not be the primary purpose of the facility. Child caring institution includes a maternity home for the care of unmarried mothers who are minors and an agency group home, which is described as a small child caring institution, owned, leased, or rented by a licensed agency providing care for more than four (4) but less than thirteen (13) minor children. Child caring institution also includes institutions for developmentally disabled or emotionally disturbed minor children. Child caring institution does not include a hospital, nursing home, or home for the aged licensed under Article 17 of the [Public Health Code, 1978 PA 368](#), MCL 333.20101 to 333.22260, a boarding school licensed under Section 1335 of the [Revised School Code, 1976 PA 451](#), MCL 380.1335, a hospital or facility operated by the State or licensed under the [Mental Health Code, 1974 PA 258](#), MCL 330.1001 to 330.2106, or an adult foster care family home or an adult foster care small group home licensed under the [Adult Foster Care Facility Licensing Act, 1979 PA 218](#), MCL 400.701 to 400.737, in which a child has been placed under Section 5(6).

**Church.** See *Place of Worship*.

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

**Club.** Buildings and facilities owned or operated by corporation, association, person, or persons, for social, educational, or recreational purposes.

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

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

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

**Conditional Rezoning.** A rezoning in which the property owner voluntarily conditions the use of land to

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one or more of the specified uses authorized in a particular zoning district.

**Condominiums.**

- A. **Condominium Act.** 1978 PA 59, as amended.
- B. **Condominium Documents.** The master deed, recorded pursuant to the **Condominium Act**, and any other instrument referred to in the master deed or bylaws which affects the rights and obligations of a co-owner in the condominium.
- C. **Condominium Lot.** The condominium unit and the contiguous limited common element surrounding the condominium unit, which shall be the counterpart of "lot" as used in connection with a project developed under the **Land Division Act, 1967 PA 288**, as amended.
- D. **Condominium Unit.** The portion of a condominium project designed and intended for separate ownership and use, as described in the master deed.
- E. **General Common Elements.** The common elements other than the limited common elements.
- F. **Limited Common Elements.** A portion of the common elements reserved in the master deed for the exclusive use of less than all of the co-owners.
- G. **Master Deed.** The condominium document recording the condominium project to which are attached as exhibits and incorporated by reference the bylaws for the project and the condominium subdivision plan for the project, and all other information required by Section 8 of the **Condominium Act**.
- H. **Site Condominium.** A condominium development containing residential, commercial, office, industrial, or other structures or improvements for uses permitted in the zoning district in which located, in which each co-owner owns exclusive rights to a volume of space within which a structure or structures may be constructed, herein defined as a condominium unit, as described in the master deed. In a site condominium, each condominium unit is considered a separate zoning lot.

**Convalescent or Nursing Home.** A home, qualified for license under applicable Michigan Law, for the care of children, aged, or infirm where continuous nursing care and supervision are required.

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

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

- A. Requires regular visits by clients or customers.
- B. Needs frequent delivery or shipment of goods.

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- C. Conducts regular operations or stores materials outside of the residence.
- D. Employs two (2) or more individuals who reside off premises.
- E. Has the potential to rapidly increase in size and intensity.

**D**

**Deck.** An uncovered outdoor platform, either attached to or detached from the principal structure, constructed on or above the ground surface, and used as a residential accessory structure for domestic or recreational purposes.

**Density.** The intensity of development in any given area, measured in this Ordinance by the number of dwelling units per acre.

**District.** A portion of the Township in which certain building and activities are permitted and in which certain regulations, in accordance with the Ordinance, are applicable.

**Dock.** An accessory structure used exclusively for boarding and mooring of watercraft.

**Drive-Thru Business.** Any restaurant, bank, or business with an auto service window.

**Dwelling Unit.** A building or portion of a building, either site-built or pre-manufactured, that has sleeping, living, cooking, and sanitary facilities and can accommodate one (1) family. In the case of buildings that are occupied in part, the portion occupied shall be considered a dwelling unit, provided it is in conformance with the criteria for dwellings. In no case shall a recreational vehicle, travel trailer, truck, bus, motor home, tent, or other such portable structures be considered a dwelling unit.

**Dwelling, Manufactured.** See [Manufactured Home](#).

**Dwelling, Multiple-Family.** A building containing three (3) or more dwelling units designed for residential use where each unit may have access to a common hallway, stairs, or elevator. Multiple-Family Dwelling includes apartment buildings and also the following:

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

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D. **Multiplex.** A medium structure that consists of five (5) to ten (10) side-by-side and/or stacked dwelling units, typically with one (1) shared entry or individual entries along the front.

E. **Townhouses.** A dwelling unit designed for occupancy by one (1) family in a row of at least three (3) such units in which each unit has its own access to the outside, no unit is located over another, and each unit is separated from any other unit by one (1) or more vertical common fire-resistant walls.

**Dwelling, Single-Family.** A dwelling unit designed exclusively for and occupied exclusively by one (1) family that is separate and distinct from any other dwelling. A single-family dwelling does not share a common wall with any other dwelling.

**Dwelling, Two-Family.** A building containing not more than two (2) separate dwelling units designed for residential use.

**E**

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

**Efficiency Unit.** A dwelling unit for one (1) individual or small family consisting of one (1) room, exclusive of bathroom, hallway, closets, and the like providing not less than two hundred and forty (240 ft<sup>2</sup>) square feet of usable floor area.

**Erected.** Erected includes built, constructed, reconstructed, extension, enlargement, moved upon, or any physical operation on the premises intended or required for a building or structure. Excavation, fill, drainage, and general land improvements that are not required for a building or structure, shall not be considered to fall within this definition.

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

**Excavation.** The removal of rock, sand, soil, or fill material below the average grade of the surrounding land and/or road grade, whichever is highest. This does not include alterations for farming or gardening purposes.

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

**F**

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

**Farm Buildings.** Any building or structure, other than a dwelling unit, built, or placed upon land within a bonafide farm and considered essential and standard to the carrying on of farm operations.

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

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

**Farm Market/Roadside Stand.** A year-round or seasonal location where the sale of agricultural products, or value-added agricultural products, directly to the consumer takes place on property controlled by the affiliated farm. At least fifty (50%) percent of the products offered must be produced on and by the affiliated farm measured by retail floor space during peak production season or fifty (50%) percent of the average gross sales for up to the previous five (5) years or as outlined in a business plan. Processed products will be considered as produced on and by the farm if at least fifty (50%) percent of the product's primary or namesake ingredient was produced on and by the farm, such as apples used in apple pie, maple sap in maple syrup, strawberries in strawberry jam, etc.

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

**Farm Stay.** A hosted accommodation on a working farm or ranch with guests paying for the privilege of staying overnight. Farm stay facilities may allow guests to help with farming activities or operations. Also

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called Vacation Farm or Guest Ranch. Farm stay accommodations may be offered in a variety of formats including but not limited to guest rooms in the principal dwelling, guest rooms in accessory buildings, campsites where guests bring their own accommodations, or sites where permanent freestanding recreational structures are in place (cabins, yurts, permanent tents, and the like). Farm Stays are classified as an *Agricultural Tourism Business*.

**Food Truck.** Any structure, vehicle, or trailer designed as a complete and transportable unit and used as a mobile business to sell prepared food or drink for human consumption from a stationary location during serving hours. Food trucks exclude structures which are installed with a permanent foundation as well as tent-walled structures. This definition does not include mobile food trucks which distribute food and drink as they are driving throughout the community (i.e. mobile ice cream truck).

**Feedlot.** See *Concentrated Animal Feeding Operations (CAFO)*.

**Fence.** A permanent or temporary partition or structure erected as a divider, barrier, or enclosure and not part of a structure requiring a building permit. Wooden, concrete, asphalt, earthen, or masonry walls, berms, paving, driveways, or fill materials shall be defined and regulated as fences when such items rise higher than the preexisting ground level (i.e., the level of the ground as it existed immediately before such items were deposited or erected,) and when such items are used for the purpose of enclosure or as support for an enclosure.

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

**Filling.** The depositing or dumping of any matter onto, or into, the ground (except for common household gardening and ground care) which alters the topography of the land.

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

- A. Contiguous areas paralleling a river stream or other body of water that constitute at their maximum edge the highest flood levels experienced in a period of one hundred (100) years. The one hundred (100) year flood plains are identified on Floodway Maps produced by FEMA (Federal Emergency Management Agency).
- B. Principal estuary courses of wetland areas that are part of the river flow system.
- C. Contiguous area paralleling a river stream or other body of water that exhibit unstable soil conditions for development.

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**Floor Area.** The sum of the horizontal areas of each story of the building as measured from the interior faces of the exterior walls exclusive of unenclosed or unheated areas such as basements, unfinished attics, attached garages, breezeways, and porches. Also called gross floor area.

**Floor Area, Usable.** That area of a building used for or intended to be used for the sale of merchandise or services. Such floor area which is used for or intended to be used primarily for utilities or for the storage or processing of merchandise, which may include cellars, basements, attics, hallways, breezeways, stairways, and elevator shafts, or for utilities and sanitary facilities, shall be excluded from the computation of usable floor area. The usable floor area listed above shall be measured from the interior faces of the exterior walls.

**G**

**Gas and Oil Processing Facilities.** Any facility and/or structure used for, or in connection with, the production, processing, or transmitting of natural gas, oil, or allied products or substances, and the injection of same into the ground for storage or disposal, not under the exclusive jurisdiction or control of the State of Michigan.

**Gas Station.** Any land, building, or structure used for sale or retail of motor vehicle fuels, oils, or accessories, or installing or repairing parts and accessories, but not including repairing or replacing of motors, doors, or fenders, or painting motor vehicles.

**Grade.** The ground elevation established for the purpose of regulating the number of stories and the height of buildings. For purposes of this Ordinance, the level of the ground adjacent to the walls if the finished grade is level. In the case of lots with a sloping terrain, the grade shall be the average elevation of each face of the building.

**Greenbelt, Waterfront.** A strip thirty-five (35') feet wide parallel to the bank of a stream or lake maintained in trees and shrubs or in its natural state to carry out the requirements of this Ordinance.

**Ground Floor Area.** The square footage of floor space measured from exterior to exterior wall but not including enclosed and unenclosed porches, breezeways, garages, attic, basement, and cellar area.

**Guest House.** A building which is on the same lot or building site as the principal dwelling, and is used for the accommodation of guests of the occupants of the dwelling. Falls under the definition of **Accessory Dwelling Unit**.

**H**

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

**Home Occupation.** An occupation, profession, activity, or use that is clearly an incidental and/or

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secondary use of a residential dwelling unit and which does not alter the exterior of the property or affect the residential character of the neighborhood.

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

**Hospital.** An institution providing health services primarily for inpatients and medical or surgical care of the sick and injured, including laboratories, outpatient departments, training facilities, central service facilities, and staff offices.

**Hotel.** A commercial building or part of a commercial building with a common entrance in which the dwelling units are accessed from the interior or the building and are used primarily for transient occupancy in which one (1) or more of the following services may be offered: maid service, furnishing of linen, telephone, secretarial, or desk service, and bellboy service. A hotel may include a restaurant or cocktail lounge and/or conference facilities. A short term rental, a bed and breakfast/tourist home, or a rooming or boarding house, however, shall not be considered a hotel.

**I**

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

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

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

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

**Ingress.** Access or entry.

**Inn.** A residential structure with sleeping rooms available for rent by guests on a short-term basis (less than thirty (30) days) and which offers meals to the public for compensation. A short term rental, a bed and breakfast/tourist home, or a rooming or boarding house, however, shall not be considered an inn.

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**J**

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

**Junkyard.** The use of premises or building for storage or abandonment, keeping, collecting, or bailing of junk, inoperable automobiles, trucks, tractors, and other such vehicles and parts thereof, scrap building materials, scrap contractor's equipment, tanks, cases, barrels, boxes, piping, bottles, drums, glass, rags, machinery, scrap iron, paper and any other kind of scrap or waste material.

**K**

**Kennel, Commercial.** Any lot or premises on which four (4) or more dogs or cats, four (4) months of age or older are kept temporarily or permanently for a fee.

**L**

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

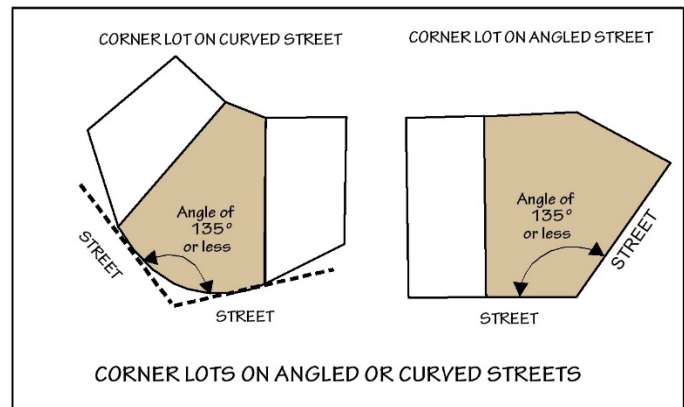
**Loading Space.** An off-street space, on the same lot with a building or group of buildings, for temporary parking for a commercial vehicle while loading or unloading merchandise or materials. Off-street loading space is not to be included as off-street parking space in computation of required off-street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

**Lot.** The parcel of land occupied or to be occupied by a use or building and its accessory buildings or structures but not including any area within any abutting right-of-way or traffic lane. A site condominium unit is considered a lot.

**Lot, Corner.** A lot located at the intersection of two (2) streets or a lot bounded on two (2) sides by a curving street, any two (2) sides of which form an angle of one hundred thirty-five (135) degrees or less.

**Lot, Double Frontage.** A lot, other than a corner lot, having frontage on two (2) more or less parallel streets.

**Lot, Interior.** A lot other than a corner lot with



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only one (1) lot line fronting on a street.

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

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

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

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

**Lot Lines.** The lines as defined in this Ordinance bounding a lot.

- A. **Front Lot Line.** In the case of an interior lot abutting upon one (1) public or private street, the front lot line shall be the line separating such lot from the street right-of-way. In the case of a corner lot, the front lot lines shall be the lines separating said lot from both streets. In the case of a row of double frontage lots, one (1) street shall be designated as the front street for all lots in the plat and in the request for a zoning permit. If there are existing structures in the same block fronting on one (1) or both of the streets, the required front setback shall be observed on those streets where such structures presently front. In the case of a lot having frontage upon a lake, river, or stream, the water frontage shall be considered the front lot line.
- B. **Rear Lot Line.** The lot line being opposite the front lot line. In the case of a lot irregularly shaped at the rear, the rear lot line shall be an imaginary line parallel to the front lot line, not less than ten (10') feet long lying farthest from the front lot line and wholly within the lot.
- C. **Side Lot Line.** Any lot line not a front lot line or a rear lot line. A side lot line separating a lot from a street is a side street lot line. A side lot line separating a lot from another lot or lots is an interior side lot line.

**Lot of Record.** A parcel of land defined by a legal description and recorded in the office of the Montmorency County Register of Deeds on or before the effective date of this Ordinance.

**Lot Width.** The horizontal distance between the side lot lines, measured at the two (2) points where the front setback line intersects the side lot line.

**M**

**Manufactured Home.** A structure, produced in a factory under the [National Manufactured Housing Construction and Safety Standards Act of 1974](#), as amended, which is transportable in one (1) or more sections, 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

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electrical systems contained in the structure. The term Manufactured Home does not include a recreational vehicle or a travel trailer.

**Manufactured Home Site.** A plot of ground within a manufactured housing community designed for the accommodation of one (1) manufactured home.

**Manufactured Housing Community.** A parcel of land which has been planned and improved for the placement of three (3) or more manufactured homes for residential dwelling use and is licensed by the State of Michigan.

**Marihuana.** That term as defined from time to time In Section 3 of the [Michigan Regulation and Taxation of Marihuana Act](#), being MCL 333.27953.

**Marihuana Establishment.** A marihuana grower, marihuana safety compliance facility, marihuana processor, marihuana microbusiness, marihuana retailer, marihuana secure transporter, or any other type of marihuana-related business licensed by the [Michigan Cannabis Regulatory Agency](#).

**Marihuana Grower.** That term as defined from time to time In Section 3 of the [Michigan Regulation and Taxation of Marihuana Act](#), being MCL 333.27953 and Includes Class A, Class B, and Class C growers.

**Marihuana Microbusiness.** That term as defined from time to time In Section 3 of the [Michigan Regulation and Taxation of Marihuana Act](#), being MCL 333.27953.

**Marihuana Primary Caregiver.** That term defined in Section 3 of [Initiated Law 1 of 2008](#), as amended (Michigan Medical Marihuana Act, being MCL 333.26423) who is at least 21 years old and who has been registered by [Michigan Cannabis Regulatory Agency](#) or any successor agency to assist with a Qualifying Patients’ use of medical marihuana.

**Marihuana Processor.** That term as defined from time to time In Section 3 of the [Michigan Regulation and Taxation of Marihuana Act](#), being MCL 333.27953.

**Marihuana Retailer.** That term as defined from time to time in Section 3 of the [Michigan Regulation and Taxation of Marihuana Act](#), being MCL 333.27953.

**Marihuana Safety Compliance Facility.** That term as defined from time to time In Section 3 of the [Michigan Regulation and Taxation of Marihuana Act](#), being MCL 333.27953.

**Marihuana Secure Transporter.** That term as defined from time to time In Section 3 of the [Michigan Regulation and Taxation of Marihuana Act](#), being MCL 333.27953.

**Mixed Use Development.** More than one (1) type of development on a single parcel of land (ex: residential and commercial).

**Master Plan.** The statement of policy by the Township Planning Commission relative to the agreed-upon

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desirable physical pattern of future community development. It consists of a series of maps, charts, and written material representing in summary form the community's conception of how it should grow in order to bring about the very best community living conditions.

**Manufacturing, Heavy.** The production, processing, cleaning, testing, and distribution of materials, goods, foodstuffs, and products. Heavy Manufacturing are those facilities in which the modes of operation of the facility do have external effects and may directly affect nearby development. External effects shall include but are not limited to air contaminants, blown material, odor, noise, glare, gasses, electrical disturbance, heat, and vibration.

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

**Mobile Home.** See [Manufactured Home](#).

**Motel or Motor Court.** A commercial building consisting of a series of attached, semi-detached, or detached rental units providing overnight lodging for transients, open to the traveling public for compensation. One (1) or more of the following services may be offered: maid service, furnishing of linen, telephone, secretarial or desk service, and bellboy service. A motel may include a restaurant or cocktail lounge and public banquet halls or meeting rooms. The term "motel or motor court" shall include tourist cabins, motor lodges, and similar facilities within this definition, but it shall not include tourist homes, rooming houses, boarding houses, short term rentals, or multiple-family dwellings.

**Motor Home.** See [Recreational Vehicle](#).

**N**

**Non-Participating Lot.** One (1) or more lots for which there is not a signed lease or easement for development of a solar energy facility, wind energy facility, or wireless communication facility associated with the applicant project.

**Nonconforming Building/Structure.** A building or structure, or portion thereof, existing at the effective date of this Ordinance, or amendments thereto, which is not in conformance with the standards of this Ordinance.

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

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

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

**Nuisance.** An offensive, annoying, unpleasant, or obnoxious thing or practice, a cause or source of annoyance, especially a continuing or repeating invasion of any physical characteristics of activity or use across a lot line which can be perceived by or affects a human being, or the generation of an excessive or concentrated movement of people or things, such as but not limited to: (A) noise, (B) dust, (C) smoke, (D) odor, (E) glare, (F) fumes, (G) flashes, (H) vibration, (I) shock waves, (J) heat, (K) electronic or atomic radiation, (L) objectionable effluent, (M) noise of congregation of people, particularly at night, (N) passenger traffic, (O) traffic, (P) a burned out structure, or (Q) a condemned structure.

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

**Nursing Home.** See [Convalescent or Nursing Home](#).

**O**

**Off-Street Parking Lot.** A facility providing vehicular parking spaces, along with adequate drives and aisles. Adequate maneuvering space shall also be included to allow unrestricted access and egress to at least two (2) vehicles.

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

**Ordinary High Water Mark.** Is defined as in the [Michigan Inland Lakes and Streams, Part 301 of PA 451 of 1994](#), as amended, to mean the line between upland and bottomland which persists through successive changes in water levels, below which the presence and action of the water is so common or recurrent that the character of the land is marked distinctly from the upland and is apparent in the soil itself, the configuration of the soil and the vegetation. On an inland lake which has had a level established by law, it means the high established level. On a river or stream, the ordinary high water mark shall be the ten (10) year flood limit line.

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

**Outdoor Sales Facility.** Includes uses operated for profit, substantially in the open air, including sales,

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rental, or repair of the following: bicycles, utility trucks or trailers, motor vehicles, boats, home equipment, garages, recreation vehicles, recreational equipment, manufactured homes, snowmobiles, farm implements, swimming pools, and similar items.

**P**

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

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

**Participating Lot.** One (1) or more lots under a signed lease or easement for development of a solar energy facility, wind energy facility, or wireless communication facility associated with the applicant project.

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

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

**Person.** A corporation, co-partnership, association, firm, limited liability company, or any other legal entity as well as an individual.

**Pick-up Camper.** See [Recreational Vehicle](#).

**Place of Worship.** A building wherein people regularly assemble for religious worship and which is maintained and controlled by a religious body organized to sustain public worship, together with all accessory buildings and uses customarily associated with such principal purpose.

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

**Planning Commission.** The body appointed by the Township Board under the provisions of the [Michigan Planning Enabling Act, 2008 PA 33](#), as amended, MCL 125.3801 et. seq.

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

**Porch, Enclosed.** A covered entrance to a building or structure which is totally enclosed and projects out

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from the main wall of said building or structure and has a separate roof or an integral roof with the principal building or structure to which it is attached. Shall be considered part of the principal building for setback purposes.

**Porch, Open.** A covered entrance to a building or structure which is unenclosed, except for columns supporting the porch roof, and projects out from the main wall of said building or structure and has a separate roof or integral roof with principal building or structure to which it is attached. Shall be considered part of the principal building for setback purposes.

**Principal Use.** The main use of land or structures, as distinguished from a secondary or accessory use.

**Private Road.** An easement or right-of-way which is not under public ownership that provides motor vehicle access to lots, parcels, or site condominiums.

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

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

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

**R**

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

**Recreational Vehicle.** A vehicle designed to be used primarily for recreational purposes, including temporary sleeping quarters and/or cooking facilities, or a unit designed to be attached to a vehicle and used for such purposes, including self-propelled motor homes, pickup campers, fifth-wheel trailers, travel trailers, and tent trailers; PROVIDED, however, that any such vehicle or unit which is forty-five (45') feet or more in overall length shall be considered a manufactured home and shall be subject to all regulations of this Ordinance applicable to a manufactured home.

**Recycling Center.** See [Resource Recovery Facility](#).

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

- A. Emergency shelter and services for battered individuals and their children in a residential structure.
- B. Shelter and services for individuals receiving care, counseling, crisis support, and similar activities including court-directed services.

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- C. Emergency shelter for individuals who are homeless.
- D. Services, programs, and shelter for residents who are undergoing alcohol or substance abuse rehabilitation.

**Resort.** A recreational lodge, camp, or facility operated for gain, and which provides overnight lodging and one or more of the following: golf, skiing, dude ranching, recreational farming, snowmobiling, pack trains, bike trails, boating, swimming, hunting and fishing, and related or similar uses normally associated with recreational resorts. A resort may or may not contain a small commercial facility such as but not limited to, grocery, sporting goods, gasoline service outlet, and/or food service facility accessory to the resort. Commercial facilities may be open to non-guests in addition to resort guests.

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

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

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

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

**Roadside Stand.** See [Farm Market/Roadside Stand](#).

**Rooming Houses.** See [Boarding or Rooming House](#).

**S**

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

**School.** A public or private educational institution offering students a conventional academic curriculum, including kindergartens, elementary schools, middle schools, and high schools. Such term shall also

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include all adjacent properties owned by and used by such schools for educational, research, and recreational purposes.

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

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

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

**Setback.** The minimum required horizontal distance from an applicable lot line within which no building or structure can be placed, except as otherwise provided in this Ordinance. Provided, however, if a private easement is located within a lot and abuts a lot line, then the setback shall be the minimum required horizontal distance from the easement line closest to the center of the lot within which no building or structure can be placed, except as otherwise provided in this Ordinance.

**Setback, Front.** The required setback measured from the front lot line or applicable easement line.

**Setback, Rear.** The required setback measured from the rear lot line or applicable easement line.

**Setback, Side.** The required setback measured from a side lot line or applicable easement line.

**Sexually Oriented Business.** A business or commercial enterprise engaging in any of the following: adult arcade, adult bookstore or adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, escort agency, nude model studio, sexual encounter center, and similar establishments.

- A. **Adult Arcade.** Any place to which the public is permitted or invited wherein coin-operated or slug-operated electronically or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to five (5) or fewer persons per machine at any one time and where the images so displayed are distinguished or characterized by depicting or describing of Specified Sexual Activities or Specified Anatomical Areas.
- B. **Adult Bookstore or Adult Video Store.** A commercial establishment that, as one of its principal business purposes, offers for sale or rental for any form of consideration one or more of the following:
  - 1. Books, magazines, periodicals, or other printed matter or photographs, films, motion picture, video cassettes or video reproductions, slides, or other visual representations or media which depict or describe Specified Sexual Activities or Specified Anatomical Areas; or
  - 2. Instruments, devices, or paraphernalia that are designed for use in connection with Specified Sexual Activities.

A commercial establishment may have other principal business purposes that do not involve the offering for sale or rental of material depicting or describing Specified Sexual Activities or Specified

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Anatomical Areas and still be categorized as an Adult Bookstore or Adult Video Store. The sale of such material shall be deemed to constitute a principal business purpose of an establishment if it occupies thirty-five (35%) percent or more of the floor area or visible inventory within the establishment.

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

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

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

1. Offers accommodation to the public for any form of consideration and provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, other photographic reproductions, or visual media that are characterized by the depiction or description of Specified Sexual Activities or Specified Anatomical Areas and has a sign visible from the public right of way that advertises the availability of any of the above;
2. Offers a sleeping room for rent for a period of time that is less than twelve (12) hours; or
3. Allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than twelve (12) hours.

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

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

G. **Escort Agency.** Any business, agency, or person who, for a fee, commission, hire, reward, or profit, furnishes or offers to furnish names of persons, or who introduces, furnishes, or arranges for persons,

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who may accompany other persons to or about social affairs, entertainments, or places of amusement, or who may consort with others about any place of public resort or within any private quarters.

- H. **Human.** Besides the customary meaning, the term “human” shall also include non-living anthropomorphic devices (resembling human), both physical and digital.
- I. **Nude Model Studio.** Any place where a person who displays Specified Anatomical Areas is provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any form of consideration, but does not include an educational institution funded, chartered, or recognized by the State of Michigan.
- J. **Nudity or a State of Nudity.** Knowingly or intentionally displaying in a public place, or for payment or promise of payment by any person including, but not limited to payment of an admission fee, any individual's genitals or anus with less than a fully opaque covering, or a female individual's breast with less than a fully opaque covering of the nipple and areola. Public nudity does not include any of the following:
  - 1. A woman breastfeeding a baby whether or not the nipple or areola is exposed during or incidental to the feeding.
  - 2. Material as defined in Section 2 of **Obscene Material, 1984 PA 343**, as amended. MCL 752.362.
  - 3. Sexually explicit visual material as defined in Section 3 of **Disseminating, Exhibiting, or Displaying Sexually Explicit Matter to Minors, 1978 PA 33**, as amended, MCL 722.673.
- K. **Sexual Encounter Center.** A business or commercial enterprise that, as one of its principal business purposes, offers for any form of consideration:
  - 1. Physical contact in the form of wrestling or tumbling between persons of the opposite sex; or
  - 2. Activities between male and female persons and/or persons of the same sex when one or more of the persons is in a state of nudity.
- L. **Specified Anatomical Areas.** Means and includes any of the following:
  - 1. Less than completely and opaquely covered.
    - a. Human genitals.
    - b. Pubic region.
    - c. Buttocks.
    - d. Female breast below a point immediately above the top of the areola.
  - 2. Human male genitals in a discernible turgid state even if completely or opaquely covered.

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M. **Specified Sexual Activities.** Means and includes any of the following:

1. Human genitals in a state of sexual arousal;
2. Acts of or simulated acts of human masturbation, sexual intercourse, sodomy, bestiality, fellatio, or cunnilingus; or
3. Fondling or other erotic touching of human genitals, pubic region, buttocks, or female breast.
4. Excretory functions as part of or in connection with any of the activities set forth in 1-3 above.

**Shipping Container.** A container fabricated for the purpose of transporting freight or goods on a truck, railroad, or ship. Shipping containers include cargo containers, storage units, or other portable structures that are used for storage of items, including, but not limited to, clothing, equipment, goods, household or office fixtures or furnishings, materials, and merchandise.

**Shopping Center.** A group of commercial establishments, planned, developed, owned, and managed as a unit, with off-street parking provided on the property, and related in its location, size, and type of shops to the trade area which the unit serves.

**Short Term Rental.** A dwelling which is unoccupied by the owner and which furnishes transient accommodations for compensation for periods of less than thirty (30) days.

**Sign.** The use of any words, numerals, figures, devices, designs, or trademarks by which anything is made known such as are used to display a message and are visible to the general public.

A. **Abandoned Sign.** A sign to which any of the following applies:

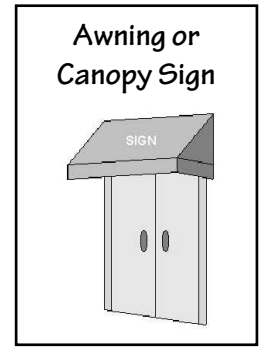
1. The sign has remained blank over a period of one (1) year.
2. The sign’s message becomes illegible in whole or substantial part.
3. A sign which has fallen into disrepair.

B. **Accessory Sign.** A permanent sign which is subordinate to the primary sign and customarily incidental to, and on the same lot as, the principal sign.

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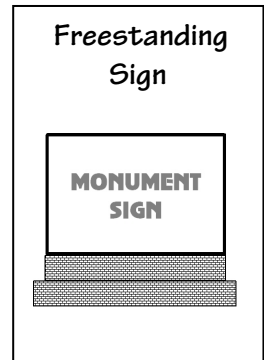
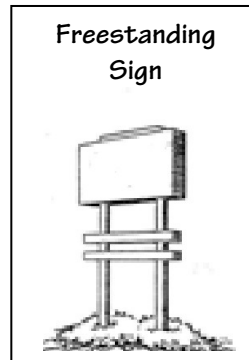
C. **A-Frame Sign.** Self-supporting temporary sign consisting of two (2) panels hinged at the top providing advertising on each panel and can be readily moved within a property or to another property. Also called “sandwich board.”

D. **Awning or Canopy Sign.** A sign painted on, printed on, or attached flat against the surface of an awning or canopy.



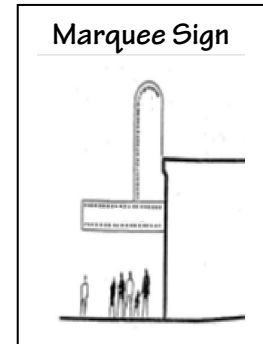
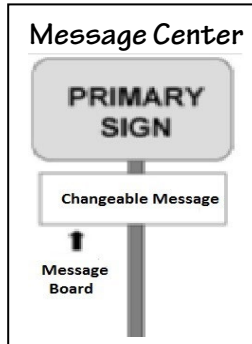
E. **Cluster Sign.** An on-premises sign which is used for a complex of establishments on one (1) parcel and contains multiple signs on one (1) structure and may include one (1) for each establishment and one (1) for the complex as a whole.

F. **Freestanding Sign.** A sign which is attached to or part of a completely self-supporting structure. The supporting structure shall be placed in or below the ground surface and not attached to any building or any other structure whether portable or stationary. Freestanding signs include monument-style signs.



G. **Marquee Sign.** Any sign attached to or supported by a marquee structure.

H. **Message Center, Digital.** A sign with a changeable display/message consisting of alphabetic, pictographic, or symbolic informational content that is composed of a series of lights that may be changed through electronic means.



I. **Message Center, Static.** A sign with a changeable display/message consisting of alphabetic, pictographic, or symbolic informational content that must be changed manually by non-electronic means.

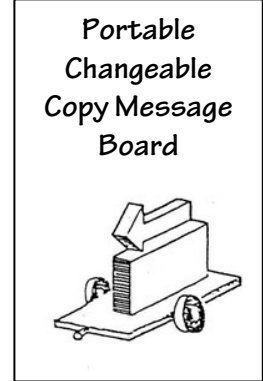
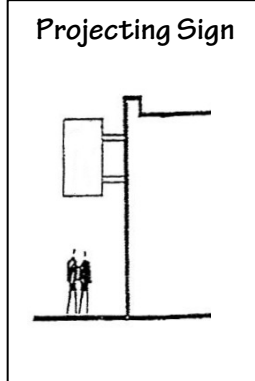
J. **Off-Premise Sign (Billboard).** Any sign relating to subject matter not conducted on the premises on which the sign is located.

K. **On-Premise Sign.** A sign relating in its subject matter to the premises on which it is located, or to products, accommodations, service, or activities on the premises.



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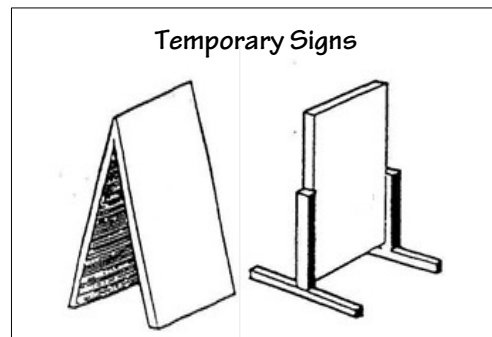
L. **Portable Changeable Copy Message Board.** Any changeable copy sign not permanently attached to the ground or a building and designed to be transported by some means such as a trailer or wheels.



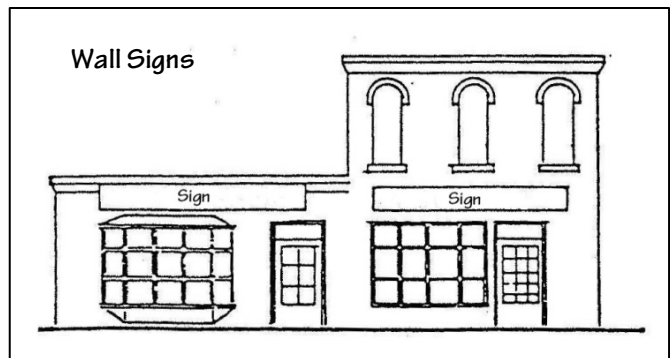
M. **Projecting Sign.** A sign, other than a wall sign, which is perpendicularly attached to, and projects from a structure or building wall not specifically designed to support the sign.

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

O. **Temporary Sign.** A display sign, banner, or other advertising device constructed of cloth, canvas, fabric, plastic, or other light temporary material, with or without a structural frame, or any other sign intended for a limited period of display, but not including decorative displays for holidays or public demonstration. A temporary sign is one that is not affixed to the ground permanently and can be easily moved.



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



**Sign Area.** Measurement of a sign includes the entire area within a circle, triangle, or parallelogram enclosing the extreme limits of writing, representation, emblem, or any figure of similar character, together with any frame or other material or color forming an integral part of the display or used to differentiate the sign from the background against which it is placed (see diagrams below). When a sign uses a shape other than a parallelogram, a rectangular box shall be drawn around the shape to determine the area (Figure B). Sign area excludes the necessary supports or uprights on which the sign is placed. Where a sign has two (2) or more faces, the area of all faces shall be included in determining the area of the sign, except that where two (2) such faces are placed back-to-back and are at no point more than two (2) feet from one another, the

area of the sign shall be taken as the area of one (1) face if the two (2) faces are of equal area, or as the area of the larger face if the two (2) faces are of unequal area. In the case of a sphere, the total area of the sphere shall be divided by four (4) to determine the maximum permitted sign area.

Figure A

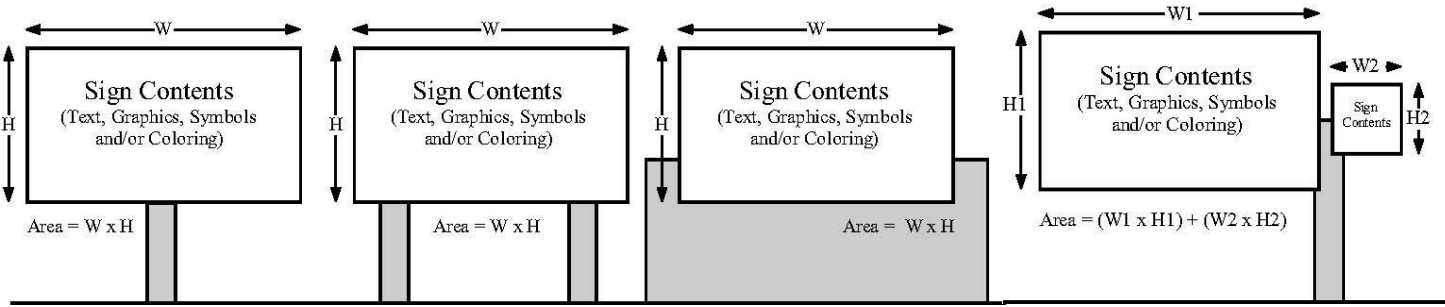
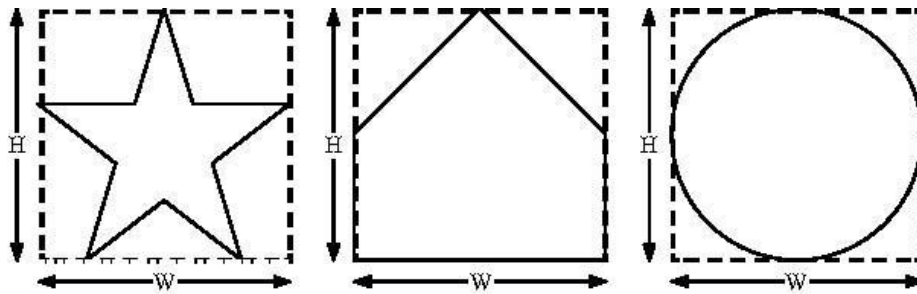


Figure B



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

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

**Site Plan.** The drawings and documents depicting and explaining all salient features of a proposed development so that it may be evaluated according to the procedures set forth in this Ordinance, to determine if the proposed development meets the requirements of this Zoning Ordinance.

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

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**Solar Energy Definitions.**

- A. **Solar Energy Facility (Utility Scale/Commercial).** A solar energy collection facility designed to capture and utilize the energy of the sun to generate electrical power to be used off-site. A solar energy collection facility consists of an array of solar collection devices used to collect solar rays and all associated ancillary and structural devices needed to support and convert/transmit the energy collected.
  
- B. **Solar Energy Panels (Accessory).** Solar collection devices designed to capture and utilize the energy of the sun to generate electrical power primarily for use on-site and it typically an accessory use of the property. A solar collection device is the actual material(s) used to collect solar rays and all associated ancillary and structural devices needed to support and convert/transmit the energy collected.
  - 1. **Ground-Mounted Accessory Solar Energy Panels.** Accessory solar energy panels mounted on support posts, such as a rack or pole, that are attached to or rest on the ground.
  - 2. **Roof-Mounted Accessory Solar Energy Panels.** A solar energy system mounted on racking that is attached to or ballasted on the roof of a building or structure.
  
- C. **Groundcover.**
  - 1. **Pollinator Habitat.** Solar sites designed to meet a score of 76 or more on the Michigan Pollinator Habitat Planning Scorecard for Solar Sites.
  - 2. **Conservation Cover.** Solar sites designed in consultation with conservation organizations that focus on restoring native plants, grasses, and prairie with the aim of protecting specific species (e.g., bird habitat) or providing specific ecosystem services (e.g., carbon sequestration, soil health).
  - 3. **Forage.** Solar sites that incorporate rotational livestock grazing and forage production as part of an overall vegetative maintenance plan.
  - 4. **Agrivoltaics.** Solar sites that combine raising crops for food, fiber, or fuel, and generating electricity within the project area to maximize land use.
  
- D. **Maximum Tilt.** The maximum angle of a solar panel (i.e., most vertical position) for capturing solar radiation as compared to the horizon line.
  
- E. **Minimum Tilt.** The minimal angle of a solar panel (i.e., most horizontal position) for capturing solar radiation as compared to the horizon line.

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F. **Repowering.** Reconfiguring, renovating, or replacing a solar energy facility to maintain or increase the power rating of the solar energy facility within the existing project footprint.

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

**Stable, Commercial.** A stable used to house horses for remuneration.

**Stable, Non-Commercial.** A stable used or to be used by an individual for housing horses owned by said individual for the use of himself or his immediate family.

**State-Licensed Residential Facility.** A structure constructed for residential purposes that is licensed by the State under the **Adult Foster Care Facility Licensing Act, 1979 PA 218**, MCL 400.701 to 400.737, or the **Child Care Organizations Act, 1973 PA 116**, MCL 722.111 to 722.128, and provides residential services for 6 or fewer individuals under 24-hour supervision or care.

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

- A. **Storage-Accessory.** Storage which is accessory to the principal use of the premises.
- B. **Mini-Storage.** Groups of buildings that contain varying sizes of individual compartmentalized and controlled access stalls or lockers for dead storage of customers' goods or wares.
- C. **Storage Facility.** A building or property on which storage is carried out as the principal use of the property.

**Story.** That portion of a building, other than a basement or mezzanine, included between the surface of any floor and the floor next above it, or if there be no floor above it, then the space between the floor and the ceiling next above it.

- A. A "mezzanine" floor shall be deemed a full story only when it covers more than fifty percent (50%) of the area of the story underneath said mezzanine, or if the vertical distance from the floor next below it to the next above it is twenty-four (24') feet or more.
- B. For the purpose of this Ordinance, a basement or cellar shall be counted as a story only if fifty (50%) percent or more of the vertical distance between the basement floor and the basement ceiling is above the ground level from which the height of the building is measured and has the required ingress/egress that is required by the Building Code.

<b>1</b> Purpose	<b>2</b> Definitions	<b>3</b> General Provisions	<b>4</b> District Regulations	<b>5</b> Site Plan Review & Plot Plans
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- C. An attic shall be deemed a full story when more than fifty percent (50%) of the floor area has a ceiling height of at least seven feet six inches (7'6").

**Structure.** A construction or building, the use of which requires permanent location on the ground or attached to something having permanent location on the ground.

**T**

**Telecommunications Towers.** See [Wireless Communications Support Structures](#).

**Temporary Building or Use.** A structure or use permitted, by the Zoning Administrator, to exist during periods of construction of the principal building or use or for special events. Temporary buildings or uses are not to exceed twelve (12) months in duration.

**Theater, Indoor.** Any building used primarily for the presentation of dramatic spectacles, shows, movies, or other entertainment open to the public, with or without charge.

**Theater, Outdoor.** Any other place used for the presentation of dramatic spectacles, shows, movies, or other entertainment open to the public, with or without charge, but not including athletic events.

**Tourist Home.** See [Bed and Breakfast/Tourist Home](#).

**Townhouse.** See [Dwelling, Multiple-Family](#).

**Trailer Coach.** See [Recreational Vehicle](#).

**Travel Trailer.** See [Recreational Vehicle](#).

**U**

**Undevelopable Land.** Land which has soil types or a high water table condition which presents severe limitations on septic tanks and tile fields and on which no septic tank and tile field can be legally constructed and to which no public sewer is extended.

**Use.** The lawful purpose for which land or premises, including the structures thereon, is designed, arranged, or intended or for which it is rented, leased, occupied, or maintained.

**Use, Principal.** See [Principal Use](#).

**V**

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

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

**W**

**Wind Turbine Definitions.**

- A. **Wind Turbine Generator (WTG).** A tower, pylon, or other structure, including all accessory facilities, upon which any, all, or some combination of the following are mounted:
  - 1. A wind vane, blade, or series of wind vanes or blades, or other devices mounted on a rotor for the purpose of converting wind into electrical or mechanical energy.
  - 2. A shaft, gear, belt, or coupling device used to connect the rotor to a generator, alternator, or other electrical or mechanical energy-producing device.
  - 3. A generator, alternator, or other device used to convert the energy created by the rotation of the rotor into electrical or mechanical energy.
  
- B. **Wind Turbine Generator (WTG), On-Site or Private.** A wind turbine generator used primarily to generate electricity or produce mechanical energy for home, farm, or small business use on the property where located with a wind generation tower height of one hundred (100') feet or less and generation of twenty-five (25) kw or less of electricity. Sale of electric power via Net Metering is allowed.
  
- C. **Wind Turbine Generator (WTG), Utility-Scale or Commercial.** A wind turbine generator designed and used primarily to generate electricity by or for sale to utility companies.
  
- D. **Wind Turbine Generator Tower Height.**
  - 1. **Horizontal Axis Wind Turbine Rotors.** The distance between the ground and the highest point on the arc of the rotor wind blades mounted on a horizontal axis wind turbine generator.
  - 2. **Vertical Axis Wind Turbine.** The distance between the ground and the highest point of the wind turbine generator including the top of the blade in its vertical position.
  
- E. **Ambient.** Ambient is defined as the sound pressure level exceeded ninety (90%) percent of the time.
  
- F. **Anemometer.** A device used to measure wind speed.
  
- G. **dB(A).** The sound pressure levels in decibels. Refers to the “a” weighted scale defined by ANSI. A method for weighting the frequency spectrum to mimic the human ear.

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- H. **Decibel.** The unit of measure used to express the magnitude of sound pressure and sound intensity.
- I. **Horizontal Axis Wind Turbine.** A wind turbine generator in which the rotor(s) rotate around a horizontal shaft.
- J. **Shadow Flicker.** Alternating changes in light intensity caused by the moving blade of a wind turbine casting shadows on the ground and stationary objects, such as the window of a dwelling.
- K. **Vertical Axis Wind Turbine.** A wind turbine generator in which the rotor rotates around a vertical shaft.

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

- A. **Alternative Tower Structure.** Man-made trees, clock towers, bell steeples, light poles, and other similar alternative-design mounting structures that camouflage or conceal the presence of antennas or towers.
- B. **Antenna Array.** One (1) or more rods, panels, discs, or similar devices used for the transmission or reception of radio frequency signals, which may include omni-directional antenna (rod), directional antenna (panel), and parabolic antenna (disc). The Antenna Array does not include the Support Structure.
- C. **Co-location.** The placement or installation of multiple sets of wireless communication equipment on a common support structure, with the objective of reducing the overall number of structures required to support wireless communication antennas within the community.
- D. **Height.** When referring to a Wireless Communication Facility, height shall mean the distance measured from ground level to the highest point on the Wireless Communication Facility, including the Antenna Array.
- E. **FAA. Federal Aviation Administration.**
- F. **Setback.** The required distance from the lot line of the participating lot(s) on which the Wireless Communication Facility is located to the base of the Support Structure.
- G. **Small Cell Wireless Facility.** A wireless facility that meets both of the following requirements:
  - 1. Each antenna is located inside an enclosure of not more than six (6 ft<sup>3</sup>) cubic feet in volume or, in the case of an antenna that has exposed elements, the antenna and all of its exposed elements would fit within an imaginary enclosure of not more than six (6 ft<sup>3</sup>) cubic feet.
  - 2. All other wireless equipment associated with the facility is cumulatively not more than twenty-five (25 ft<sup>3</sup>) cubic feet in volume. The following types of associated ancillary equipment are not

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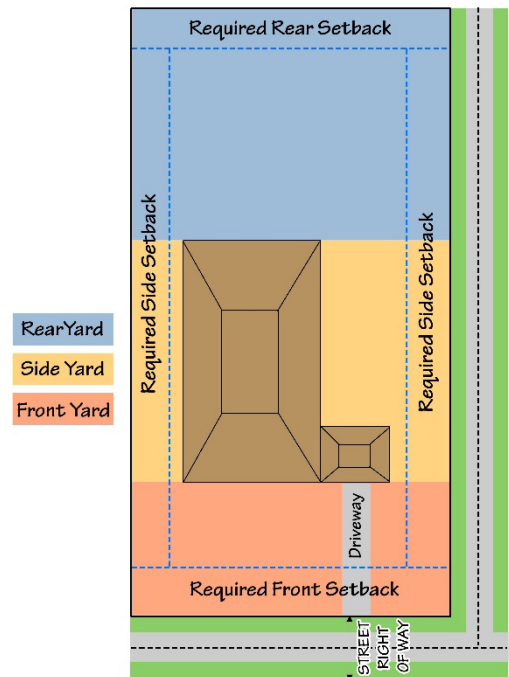
included in the calculation of equipment volume: electric meters, concealment elements, telecommunications demarcation boxes, grounding equipment, power transfer switches, cut-off switches, and vertical cable runs for the connection of power and other services.

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

**Y**

**Yard.** The space between a principal building, excluding steps and unenclosed porches, and a lot line.

- A. **Front Yard.** A yard extending across the full width of the lot from the front line of the principal building to the front lot line. On waterfront lots, the front yard is that abutting the water. Corner lots have two (2) front yards.
- B. **Rear Yard.** A yard extending across the full width of the lot from the rear line of the building to the rear lot line.
- C. **Side Yard.** A yard extending between the side lot line and the nearest side of the building from the front yard to the rear yard.





**Z**

**Zoning Administrator.** The official designated by the Township Board to administer and enforce the provisions of this Ordinance.

**Zoning Board of Appeals.** The Avery Township Zoning Board of Appeals, whose duties and powers are detailed in [Article 8](#).

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

**Zoning Lot.** A contiguous tract of land which at the time of filing for a zoning permit is designated by its owner or developer as a tract to be used, developed, or built upon as a unit, under single ownership.

**Zoning Permit.** Written authority as issued by the Zoning Administrator on behalf of the Township permitting the construction, moving, exterior alteration, or use of a building in conformity with the provisions of this Ordinance.

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# Article 3 General Provisions

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3.1	The Effect of Zoning	3-1	3.16	Reserved	3-10
3.2	Lots & Subdivision of Land	3-2	3.17	Hazardous Substances	3-11
3.3	Restoration of Unsafe Buildings	3-3	3.18	Nonconformities	3-11
3.4	Barrier-Free Modification	3-3	3.19	Livestock Animals on Domestic/Hobby Farms	3-14
3.5	Demolition Permits	3-3	3.20	Greenbelt & Water-Dependent Structures	3-15
3.6	Access	3-3	3.21	Fences	3-16
3.7	Private Roads	3-4	3.22	Corner Visibility	3-17
3.8	Water Supply & Sewage Disposal Facilities	3-5	3.23	Buffer Strips & Protective Screening	3-18
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3.12	Recreational Vehicles	3-8	3.27	Voting Place	3-22
3.13	Temporary Dwelling Occupancy During Construction of a Dwelling	3-9	3.28	Reserved	3-22
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3.15	Stormwater Retention & Drainage	3-10	3.30	Signs	3-30

## Section 3.1 The Effect of Zoning

### A. General.

1. In order to carry out the intent of this Ordinance, no use or activity on a piece of land shall be allowed or maintained, no building or structure or part thereof shall be allowed to be used, constructed, remodeled, altered, or moved upon any property unless it is in conformance with this Ordinance and a zoning permit has been obtained, where required.
2. If any activity, use, building, structure, or part thereof is placed upon a piece of property in direct conflict with the intent and provisions of this Ordinance, such activity, use, building or structure shall be deemed a violation of this Ordinance and shall subject to the owner or occupant of the lot to the enforcement provisions of this Ordinance.
3. Zoning affects every structure and use and extends vertically from the ground up.

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

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Any lawful use, activity, building, or structure which exists or is under construction at the time of the adoption of this Ordinance and is not in conformance with the provisions of the zoning district in which it is located, shall be considered a legal nonconforming use and be allowed to remain as such, including completion of construction, providing said construction does not require more than one (1) year from the effective date of this Ordinance for completion. If said construction is continued for more than one (1) year, the legal status of the activity, use, building, or structure shall be determined by the Township Planning Commission.

**C. Moving of Buildings.**

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

**Section 3.2 Lots & Subdivision of Land**

**A. New Lots.**

All newly created lots shall conform to the minimum lot size standards in [Article 4](#) for the district in which it is located.

**B. Required Area or Space.**

1. No lot nor lot in common ownership, nor yard, court, parking area, or any other required space shall be divided, altered, or reduced as to be less than the minimum allowable dimensions as defined in this Ordinance except where such reduction has been brought about by expansion or acquisition of public rights-of-way for streets, roads, or highways. If such areas are already less than the minimum allowable dimensions, they shall not be divided, altered, or reduced further.
2. The maintenance of yards, open spaces, lot areas, height and bulk limitations, fences, walls, clear vision areas, parking and loading spaces, and all other requirements, including the proper maintenance and repair of screening arrangements, for a building or use specified within this Ordinance shall be a continuing obligation of the owner of such building or property on which such building or property or use is located.

**C. Lot Proportion.**

The width of any lot, parcel, or land division created after the effective date of this Ordinance shall not be less than twenty-five (25%) percent of the lot or parcel depth.

**D. Lot/Building Relationship.**

Any lot or parcel of land on which more than one (1) principal dwelling is erected must have sufficient

<b>1</b> Purpose	<b>2</b> Definitions	<b>3</b> General Provisions	<b>4</b> District Regulations	<b>5</b> Site Plan Review & Plot Plans
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dimension so that a division of the land could be made in such a way so that each parcel on which a dwelling is located would comply with the dimensional requirements of this Ordinance. The Planning Commission may allow more than one (1) principal dwelling per parcel through the issuance of a Special Use permit pursuant to [Article 6](#). Accessory dwelling units are a Special Use in the districts listed in [Table 4.14](#) and regulated pursuant to [Section 7.4](#). A lot on which exists an accessory dwelling unit that does not meet the minimum dwelling unit size of the district shall remain on the lot with the principal and shall not be located on any new lot created due to a lot split.

E. **Subdivision of Land.**

All plats submitted to the Township Board pursuant to the [Land Division Act](#), (formerly the Subdivision Control Act of 1967, PA 288) as amended shall be given to the Planning Commission for review with instructions that it shall return the plat to the Township Board with recommendation whether the lots of said plat are consistent with the minimum lot requirements and other applicable requirements of this Ordinance and the Avery Township Land Division Ordinance.

**Section 3.3 Restoration of Unsafe Buildings**

Nothing in this Ordinance shall prevent the strengthening of a lawful building or structure, or part thereof, which has been declared unsafe by the Zoning Administrator, building official, or public health inspector, nor the requirement to adhere to the lawful orders of such officials.

**Section 3.4 Barrier-Free Modification**

Nothing in this Ordinance shall prevent the modification of a building only as may be necessary to comply with barrier-free requirements and the [Americans with Disabilities Act](#). A variance may be required for modification as stated herein. The need for such a variance shall be determined by the Zoning Administrator.

**Section 3.5 Demolition Permits**

No building shall be razed except by permit from the Zoning Administrator who is authorized to require a performance bond, the rate of which is to be determined by the Township Board. Such bond shall be conditioned upon a reasonable time limit for the demolition and shall meet the health and safety requirements of the Zoning Administrator as stipulated in the permit.

**Section 3.6 Access**

A. **Access to Public Road Required.**

Any lot of record created after the effective date of this Ordinance shall have access to a public road, easement which provides access to a public road, or with access to an approved private road, except as may be provided for otherwise in a Planned Unit Development designed in accordance with the applicable

<b>1</b> Purpose	<b>2</b> Definitions	<b>3</b> General Provisions	<b>4</b> District Regulations	<b>5</b> Site Plan Review & Plot Plans
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provisions of the Ordinance.

**B. Access through Yards.**

Access drives may be placed in the required front, side, or rear setbacks so as to provide access to the lot and/or buildings. Further, at-grade driveway and walkway materials such as pavement, concrete, crushed stone, gravel, and similar materials shall not be considered structures and shall be allowed in any setback.

**Section 3.7 Private Roads**

**A. Site Plan Review Required.**

1. Application, review, and approval of a proposed private road that serves five (5) or more lots shall follow the same procedures as [Section 5.3](#) (Site Plan Review Procedures). Application for approval of a private road shall include six (6) copies of a site plan sealed by a professional engineer showing:
  - a. Existing and proposed lot lines.
  - b. The location of existing and proposed structures.
  - c. The width and location of the private road easement.
  - d. A cross-section of the proposed road showing the type of material the road base and surface will consist of.
  - e. Utility plans including the location and size/capacity of stormwater drainage systems, septic system, private wells, and private utilities such as telephone, electric, and cable service.
  - f. Proposed locations of driveways off the private road.
  - g. Any existing or proposed structures, trees, or other obstruction within the proposed right-of-way.
  - h. All plans as submitted for approval shall show the private road easement including a legal description and must include the grade for these roads.
  
2. **Application Review and Approval or Denial.**
  - a. The Zoning Administrator shall send the private road plans to the appropriate Emergency Services and Fire Protection agencies, to the County Drain Commissioner, to the County Road Commission, and to the Township Attorney for review and comment. Any proposed road maintenance agreement and road easement agreement shall be sent to the Township Attorney for review and comment.

<b>1</b> Purpose	<b>2</b> Definitions	<b>3</b> General Provisions	<b>4</b> District Regulations	<b>5</b> Site Plan Review & Plot Plans
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- b. County Road Commission, County Drain Commissioner, Emergency Services and Fire Protection agencies, Township, and Township Attorney comments shall be forwarded to the Planning Commission. After reviewing all materials and recommendations submitted, the Planning Commission shall approve, deny, or approve with conditions the application for a private road.
- c. If the application is denied, the reasons for the denial and any requirements for approval shall be given in writing to the applicant.
- d. The Zoning Administrator shall arrange for inspections during construction of and upon completion of the private road.

**B. Standards.**

Where a private road serves five (5) or more lots, the road shall be developed in accordance with Montmorency County Road Commission design standards regarding right-of-way, drainage, construction, erosion control, surface, and signage. The Township will solicit feedback from the Montmorency County Road Commission on the proposed road.

**C. Nonconforming Existing Private Roads.**

Private roads, which serve five (5) or more lots, existing on the effective date of this Ordinance and which do not conform to the standards in **subsection B** are not required to upgrade to the standards in **subsection B**. However, if an existing nonconforming private road is improved, extended, or proposed to serve a greater number of properties than it currently serves, then conformance to the standards in **subsection B** shall be required unless the Planning Commission waives this requirement upon determination that:

- 1. Granting the waiver will not cause a substantially adverse effect on properties which are and will be accessed by the private road, or
- 2. There are physical barriers which prohibit the upgrading of the road to Montmorency County Road Commission standards.

**Section 3.8 Water Supply & Sewage Disposal Facilities**

All water supply and sanitary sewage disposal systems, either public or private, for any building hereafter erected, altered, or moved upon any premises shall be subject to compliance with **District Health Department #4** sanitary code requirements. Plans must be submitted to and approved by the responsible agencies. The written approval of such facilities by **District Health Department #4** shall be filed with the application for a Zoning Permit.

<b>1</b> Purpose	<b>2</b> Definitions	<b>3</b> General Provisions	<b>4</b> District Regulations	<b>5</b> Site Plan Review & Plot Plans
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**Section 3.9 Illegal Dwellings**

Garages or accessory buildings shall not be occupied for dwelling purposes except for Accessory Dwelling Units pursuant to [Section 7.4](#). No structure without adequate sanitary facilities or otherwise structurally incomplete shall be used for dwelling purposes.

The use of any portion of a partially completed structure for permanent dwelling purposes shall not be permitted unless a temporary zoning permit has been issued. Garages, accessory buildings, recreational vehicles, trucks, buses, or other such portable structures shall not be occupied for permanent dwelling purposes except as otherwise allowed in this Ordinance.

**Section 3.10 Accessory Buildings**

Except as otherwise permitted in this Ordinance, residential and non-residential accessory buildings shall be subject to the following regulations:

**A. Permit Required.**

Accessory buildings that are one hundred (100 ft<sup>2</sup>) square feet or larger require a zoning permit. Accessory buildings which are less than one hundred (100 ft<sup>2</sup>) square feet do not require a zoning permit but shall comply with the standards of this Ordinance.

**B. Attached Accessory Building.**

Authorized accessory buildings may be erected as part of the principal building or may be connected to the principal building by a roofed porch, patio, breezeway, or similar structure or may be completely detached from the principal building. Where any accessory building is attached to a principal building, such accessory building shall be considered part of the principal building for purposes of determining required setbacks.

**C. Number Allowed.**

There is no limit to the number of accessory buildings that may be erected on a lot.

**D. Dimensional Standards.**

**1. Setbacks.**

- a. **Setbacks.** A detached accessory building shall be located no closer to a front, side, or rear lot line than the permitted distance for the principal structure on the same lot.
- b. **Distance from Other Buildings.** No detached accessory buildings shall be located closer than fifteen (15') feet to any other building.

<b>1</b> Purpose	<b>2</b> Definitions	<b>3</b> General Provisions	<b>4</b> District Regulations	<b>5</b> Site Plan Review & Plot Plans
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2. **Height.** No accessory building situated shall exceed the height limitations of the district where located. These requirements shall not apply to farm buildings.

**E. Nontraditional Storage Facilities.**

1. Truck bodies, school bus bodies, manufactured homes, recreational vehicles, or other items built and intended for other uses shall not be used as permanent accessory buildings. Semi-trailers may be used as temporary storage for commercial and industrial uses in the commercial and industrial districts in the rear or side yard only.
2. **Shipping Containers.** Shipping containers shall be allowed to be used as accessory buildings for storage purposes only. Shipping containers which are visible from a neighboring property or from the road shall be either painted to blend in with the natural landscape or covered in a siding material that would typically be utilized for a principal building. Shipping Containers shall be placed on a foundation or gravel surface with adequate drainage pursuant to [Section 3.15](#). The following denotes the number of shipping containers allowed:
  - a. **Lots less than One (1) Acre:** No shipping containers shall be permitted.
  - b. **Lots from One (1) Acre to Five (5) Acres:** One (1) shipping container shall be permitted.
  - c. **Lots Over Five (5) Acres:** Two (2) shipping containers shall be permitted.

**F. Accessory Building as a Dwelling.**

An accessory building may be occupied as an accessory dwelling unit upon issuance of a Special Use permit pursuant to the standards in [Section 6.3](#) and [Section 7.4](#). Such accessory dwelling unit shall comply with all provisions of this Ordinance relating to buildings for residential purposes unless superseded by [Section 7.4](#).

**G. Accessory Building without a Principal Building.**

No accessory building (such as a garage or storage shed) shall be erected upon a lot which does not contain a principal building with the exception of commercial storage facilities where storage is considered the principal use.

**H. Boathouses.**

See [Section 3.20 Greenbelt & Water-Dependent Structures](#).

**I. Accessory Structures.**

<b>1</b> Purpose	<b>2</b> Definitions	<b>3</b> General Provisions	<b>4</b> District Regulations	<b>5</b> Site Plan Review & Plot Plans
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1. **Electric /Vehicle Charging Stations.** Electric vehicle charging stations shall be considered an accessory structure. Electric vehicle charging stations shall be allowed in any yard and shall be setback at least ten (10') feet from the front lot line. Electric vehicle charging stations shall adhere to the side and rear setbacks listed in **subsection D** above.
2. **Private Swimming Pools.** See **Section 7.17.**
3. **Accessory Solar Panels.** See **Section 7.29.B.**

### Section 3.11 Manufactured Homes

Manufactured homes shall meet the standards for minimum lot size, setbacks, minimum floor area, and minimum dwelling unit width for the district in which they are located and shall meet the following additional standards:

- A. Manufactured homes shall be attached to an approved permanent foundation or basement and shall be anchored using a system that meets the **Michigan Manufactured Housing Commission** requirements.
- B. Manufactured homes shall be installed according to manufacturer's setup requirements, and the United States Department of Housing and Urban Development (HUD) regulations entitled "**Manufactured Home Installation Standards**" and the construction of the unit shall comply with the **National Mobile Home Construction and Safety Standards Act of 1974.**
- C. The wheels, axles, and towing assembly shall be removed from a manufactured home before the unit is attached to the foundation. Additionally, no manufactured home shall have any exposed undercarriage or chassis.
- D. Manufactured homes shall not be used as accessory buildings.
- E. Manufactured homes shall not be attached to each other. Additions, new roofs, and accessory buildings may be attached to a manufactured home.

### Section 3.12 Recreational Vehicles

A permit shall be obtained from the Zoning Administrator for the use of travel trailers, motor homes, and other similar recreational vehicles designed with sleeping accommodations exceeding thirty (30) continuous days. Use exceeding thirty (30) continuous days will also require **District Health Department #4** approved sanitary facilities. Occupancy of such vehicles shall not exceed ninety (90) days in any calendar year.

<b>1</b> Purpose	<b>2</b> Definitions	<b>3</b> General Provisions	<b>4</b> District Regulations	<b>5</b> Site Plan Review & Plot Plans
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### Section 3.13 Temporary Dwelling Occupancy During Construction of a Dwelling

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

- A. The location shall conform to the provisions governing setback requirements of standard dwellings in the district where located. The Zoning Administrator shall have the authority to reduce setback requirements where complying with setbacks is not possible or would cause practical difficulties.
- B. The use shall be for the sole purpose of providing dwelling facilities for the owner of the premises during the period in which a dwelling conforming to the provisions of this Ordinance is in process of erection and completion but not to exceed twelve (12) months. One (1) additional twelve (12) month extension may be obtained from the Zoning Administrator when he or she finds there is good cause for the extension. The substandard dwelling shall be removed within thirty (30) days of completion of construction of a dwelling complying with the requirements of this Ordinance.
- C. Installation of a septic system and water well shall be constructed and maintained in accordance with the standards of materials and installation recommended by [District Health Department #4](#) and shall precede occupancy of the substandard dwelling.
- D. Application for the erection and use of a substandard dwelling shall be made at the time of zoning permit application for the permanent dwelling. On approval and delivery of the zoning permit, the applicant shall certify in a space allotted for that purpose and on the copy retained for filing by the township that he/she has full knowledge of the limitations of the permit and the penalty pertaining thereto. No such permit shall be transferable to any other person.
- E. No annexes or additions shall be added to temporary substandard dwellings.

### Section 3.14 Construction Debris

All construction debris shall be removed from the site within thirty (30) days after the completion or abandonment of the work. Failure or refusal to remove construction debris within thirty (30) days after the completion or abandonment of work constitutes a violation of this Ordinance. A six (6) month extension may be granted by the Zoning Administrator when he or she finds there is good cause for the extension.

<b>1</b> Purpose	<b>2</b> Definitions	<b>3</b> General Provisions	<b>4</b> District Regulations	<b>5</b> Site Plan Review & Plot Plans
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**Section 3.15 Stormwater Retention & Drainage**

- A. Stormwater drainage in excess of natural conditions shall be retained on site. This provision may require stormwater retention ponds where appropriate. An exception may be made for water leaving the site via an adequately sized existing stormwater ditch, stormwater pipe or through other stormwater facilities that will be developed at the same time as the proposed new use. Written approval from the **Michigan Department of Transportation (MDOT)** shall be required for an additional site run-off directed into a state trunkline ditch, i.e. M-32 or M-33.
  
- B. No premises shall be filled or graded so as to discharge surface runoff on abutting premises in such a manner that will cause inconvenience or damage on abutting premises in excess of natural conditions or in an unnatural, concentrated manner that will cause damage to adjacent properties. When property is developed adjacent to existing properties previously developed, existing grades shall have priority.

**Section 3.16 Reserved**

*This Section is reserved.*

<b>1</b> Purpose	<b>2</b> Definitions	<b>3</b> General Provisions	<b>4</b> District Regulations	<b>5</b> Site Plan Review & Plot Plans
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### Section 3.17 Hazardous Substances

- A. These provisions apply to uses that use, generate or store hazardous substances in quantities greater than twenty-five (25) gallons or two hundred twenty (220) pounds per month:
  - 1. Sites at which hazardous substances and polluting material are stored, used, or generated shall be designed to prevent spills and discharges to the air, surface of the ground, groundwater, surface water, and wetlands.
  - 2. Secondary containment for aboveground areas where hazardous substances and polluting materials are stored or used shall be provided and maintained. Secondary containment shall be sufficient to store the substance for the maximum anticipated period of time necessary for the recovery of any released substance.
  - 3. General purpose floor drains shall be allowed only if they are connected to a public sewer system, an on-site holding tank, or a system authorized through a state groundwater discharge permit.
  - 4. State and federal agency requirements for storage, spill prevention, record keeping, emergency response, transport, and disposal of hazardous substances and polluting materials shall be met. No discharges to groundwater, including direct and indirect discharges, shall be allowed without required permits and approvals.
  - 5. The Planning Commission may require a performance bond or similar assurance for safeguards prior to approval. The Planning Commission may require site plan review at five-year intervals.
- B. Dumping of materials and/or nuclear wastes shall not be allowed within Avery Township, except as permitted by [1978 PA 113](#), as amended.

### Section 3.18 Nonconformities

The purpose of this Section is to provide regulations governing lots, buildings, structures, and uses which were legal before this Ordinance was adopted or amended but which are now prohibited, regulated, or restricted. It is the intent of this Section to permit these lots, buildings, structures, and uses referred to as nonconformities, to remain until they are discontinued or removed. These nonconformities are declared by this Ordinance to be incompatible with the lots, buildings, structures, and uses permitted by this Ordinance in certain districts. The regulations contained in this Section are designed to ensure that such uses will be properly regulated so as to result in a minimum of disharmony between themselves and the districts in which they are located.

- A. **Nonconforming Buildings/Structures.**
  - 1. **Alteration.** A nonconforming building/structure may be enlarged or altered in a way that does not increase its nonconformity.

<b>1</b> Purpose	<b>2</b> Definitions	<b>3</b> General Provisions	<b>4</b> District Regulations	<b>5</b> Site Plan Review & Plot Plans
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- 2. **Damage.** A nonconforming building/structure damaged or completely or partially removed by purposeful removal, fire, explosion, the public enemy, or Act of God exceeding one-half (1/2) of its prior usable floor space shall not be restored except in conformity with the provisions of this Ordinance and issuance of a zoning permit.
- 3. **Repair.** Nothing in this Ordinance shall prevent reasonably necessary repairs to a nonconforming building/structure.
- 4. **Re-Location of a Nonconforming Structure.** Should a nonconforming building/structure, which is nonconforming due to insufficient setbacks, be moved for any distance whatsoever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

**B. Nonconforming Uses.**

- 1. **Change of Use.** A nonconforming use shall not be changed to other than a conforming use, nor shall any nonconforming use be reverted to a former nonconforming use after use has been changed to a conforming use.
- 2. **Expansion or Enlargement.** No nonconforming use shall be enlarged or expanded nor extended to occupy a greater area of land than was occupied at the effective date of this Ordinance except as provided below:
  - a. **Expansion or Enlargement by Special Use Permit.** Although it is the intent of this Ordinance to restrict the expansion and perpetuation of nonconforming use of land, the Planning Commission, by following the Special Use Permit notice provisions of this Ordinance, may allow an expansion or enlargement, provided that it is conclusively shown that such expansion or enlargement:
    - (1) Will not reduce the value or otherwise limit the lawful use of adjacent premises.
    - (2) Will essentially retain the character and environment of abutting premises.
    - (3) Will not cause, perpetuate, or materially increase any nuisance aspects of the use upon adjacent uses (such as noise, glare, traffic congestion, or land overcrowding).
  - b. **Expansion Throughout a Building.** Any nonconforming use may be carried on or expanded throughout any parts of a *building* which were manifestly arranged or designed for such use and which existed at the time of adoption or amendment of this Ordinance.
- 3. **Damage.** In the event that fire, explosion, the public enemy, Act of God or purposeful removal destroys, damages, or removes an existing structure devoted to a nonconforming use, and provided the damage does not exceed one-half (1/2) of the structure's prior usable floor space,

<b>1</b> Purpose	<b>2</b> Definitions	<b>3</b> General Provisions	<b>4</b> District Regulations	<b>5</b> Site Plan Review & Plot Plans
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the structure may be reconstructed but shall not exceed the floor area prior to damage to the building.

4. **Abandonment.** If a property owner has an intent to abandon a nonconforming use and in fact abandons this nonconforming use for a period of one (1) year or more, then any subsequent use shall conform to the requirements of this Ordinance. When determining the intent of the property owners to abandon a nonconforming use, the Zoning Administrator shall consider the following factors:
  - a. Whether utilities, such as water, gas, and electricity to the property have been disconnected.
  - b. Whether the property, buildings, and grounds have fallen into disrepair.
  - c. Whether signs or other indications of the existence of the nonconforming use have been removed.
  - d. Whether equipment or fixtures necessary for the operations of the nonconforming use have been removed.
  - e. Other information or actions that evidence an intention on the part of the property owner to abandon the nonconforming use or structure.

**C. Nonconforming Lots.**

1. In any district, principal structures/buildings and customary accessory buildings may be erected on any nonconforming lot which was a lot of record at the time of adoption of this Ordinance, provided a permit for construction of a well and septic system is granted by the **District Health Department #4** and that setback variances are obtained through approval of the Zoning Board of Appeals, if necessary.
2. If two (2) or more contiguous lots, parcels, or portions of lots or parcels are under the same ownership and do not individually meet the lot width, depth, and/or area requirements of this Ordinance, then those contiguous lots, parcels, or portions of lots or parcels shall be considered an undivided lot or parcel for the purposes of this Ordinance, and no portion of such undivided lot or parcel shall be used or divided in a manner that diminishes compliance with the lot width, depth, and/or area requirements established by this Ordinance.

**D. Compliance with Building Code, ADA, and Sanitary Code.**

Nothing in this Section shall prevent the strengthening or restoring to a safe condition any part of any building or structure declared unsafe by the Building Official or to comply with barrier-free requirements of the **Americans with Disabilities Act**. Nothing in this Section shall prevent any alteration, improvement, or repair as required by the **Health Department** as necessary to protect the public health, safety, and welfare.

<b>1</b> Purpose	<b>2</b> Definitions	<b>3</b> General Provisions	<b>4</b> District Regulations	<b>5</b> Site Plan Review & Plot Plans
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**E. Change in Tenancy or Ownership.**

There may be a change of tenancy, ownership, or management of any existing nonconforming, nonconforming building/structures, or nonconforming lot which does not alter its nonconforming status.

**F. Elimination of Nonconformities.**

The existence of nonconforming uses and structures is hereby declared to be contrary to the best interests of the community and it is hereby declared to be the policy of the Township as expressed in this Ordinance to discontinue nonconforming uses in the course of time, as circumstances permit, having due regard for the rights of all parties concerned. In order to accomplish the elimination of those nonconforming uses and structures which constitute a nuisance or are detrimental to the public health and general welfare, the Township, pursuant to Section 208 (3) and (4) of **2006 PA 110**, as amended (Michigan Zoning Enabling Act, being MCL 125.3208) may acquire, by purchase, condemnation, or otherwise, private property for the removal of nonconforming uses and structures provided, however, that such property shall not be used for public housing. The Township Board may, in its discretion, provide that the cost and expense of acquiring such private property be paid from general funds or the cost and expense or any portion thereof be assessed to a special district.

**Section 3.19 Livestock Animals on Domestic/Hobby Farms**

**A. Livestock on Domestic/Hobby Farms on all Parcels (Except Category 4 Sites).**

1. The keeping of cows, sheep, pigs, hogs, horses, or other such livestock is prohibited on any parcel of land less than five (5) acres in size.
2. Not more than twelve (12) adult rabbits and/or poultry may be kept on any parcel less than five (5) acres.
3. On parcels of land at least five (5) acres but not more than twenty (20) acres in size, up to six (6) adult livestock animals may be kept.
4. Livestock and animals may be kept no closer than one hundred fifty (100') feet to an abutting lot line. The keeping of such livestock and animals shall be prohibited in any area if the same becomes obnoxious by reason of odor, nuisance, or noise. The determination of the Zoning Board of Appeals shall be conclusive on the question of whether such use is obnoxious.

**B. Chickens, Ducks, and Geese on Category 4 Sites.**

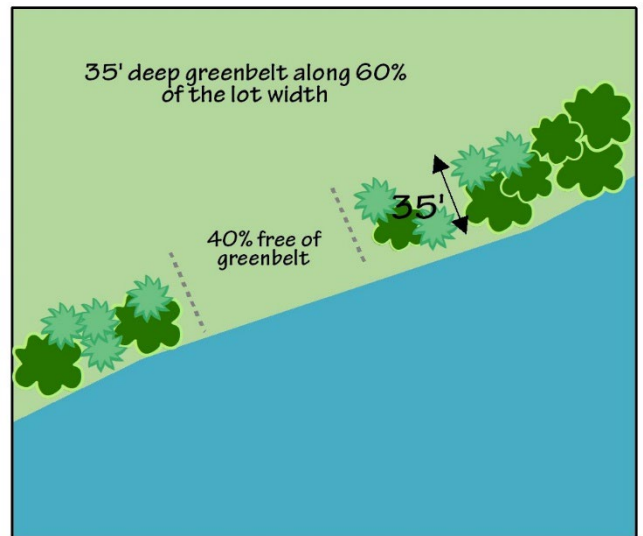
Chickens, ducks, or geese may be kept on lots which are which are classified as Category 4 sites by the **Michigan Department of Agriculture and Rural Development** as a permitted use (no zoning permit is required) according to the following conditions:

<b>1</b> Purpose	<b>2</b> Definitions	<b>3</b> General Provisions	<b>4</b> District Regulations	<b>5</b> Site Plan Review & Plot Plans
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1. Roosters are prohibited.
2. Chickens, ducks, or geese must be kept in and confined in a properly designed and constructed coop or a fenced and covered enclosure, which may be located only in the rear yard of the property.
3. Each fenced and covered enclosure shall be designed with adequate yard space for each bird, and the coop and the fenced and covered enclosure combined shall not cover more than fifty (50%) percent of the rear yard. Enclosures must be clean and resistant to predators and rodents.
4. Enclosures shall be located at least twenty-five (25') feet from any abutting lot line.
5. No chickens, ducks, or geese shall be kept on parcels with more than one (1) dwelling.

### Section 3.20 Greenbelt & Water-Dependent Structures

To preserve natural resources, water quality, and community scenic and recreational values, a greenbelt shall be established and maintained on all waterfront property. The greenbelt shall include all the land area located within thirty-five (35') feet of the ordinary high water mark of a lake or a stream. Within the greenbelt, the following development or use restrictions shall apply:



- A. No structures shall be allowed except for boathouses, launching ramps, and docking facilities, and such facilities shall be no less than ten (10') feet from any side lot lines. No boathouse shall exceed twelve (12') feet in height above the ordinary high water mark.
- B. No dredging or filling shall be allowed except for reasonable sanding of beaches where permitted by state or federal law.
- C. The use of asphalt, concrete, and other impervious surfaces shall be limited to walkways necessary for water access or boat launch ramps.
- D. The use of pesticides, herbicides, and fertilizers is strongly discouraged.
- E. Leaves, grass clippings, and similar yard and garden wastes may not be burned or stored.
- F. Neither septic tanks nor septic system filtration fields may be located within the greenbelt.



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- G. Natural vegetation cover, including trees, shrubs, or unmown herbaceous plants shall be maintained on a least sixty (60%) percent of the lake or stream frontage within the greenbelt. Beach sand, gravel, cobblestone, or rock may be substituted for vegetated areas where these materials naturally exist.
- H. The greenbelt shall be shown on any plot plan or site plan submitted for approval during the process of developing a water frontage parcel.

**Section 3.21 Fences**

**A. Zoning Permit.**

A zoning permit is required for fences. Hedges used to enclose a property or to separate a property from an abutting property do not require a zoning permit but shall meet the standards of this Section.

**B. Agricultural Fences.**

Fences used for agricultural purposes shall not be subject to the provisions of this Section.

**C. Property Line Determination.**

In the installation of any fence, the property owner is responsible for the location of property lines and should obtain a professional survey if necessary to determine accurate property lines. The township may require a professional survey prior to issuing a zoning permit for a fence. The Township shall not be held responsible for any property line or fence disputes between adjacent property owners.

**D. Materials.**

Fence and wall materials may include materials specifically designed for fence construction. Scrap lumber, plywood, woven wire (except for agricultural purposes), sheet metal, plastic or fiberglass sheets, old signage, old doors, pallets, or other materials not specifically designed for fence construction are prohibited.

**E. Finished Side of Fence.**

The “finished” side of the fence shall be the side facing a street right-of-way or facing property other than the property of the fence owner. The fence posts and horizontal/vertical supports shall face the side of the fence owner.

**F. Fence Location and Height.**

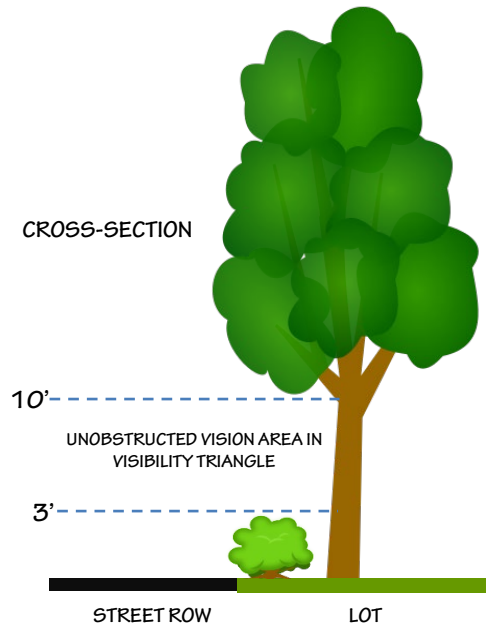
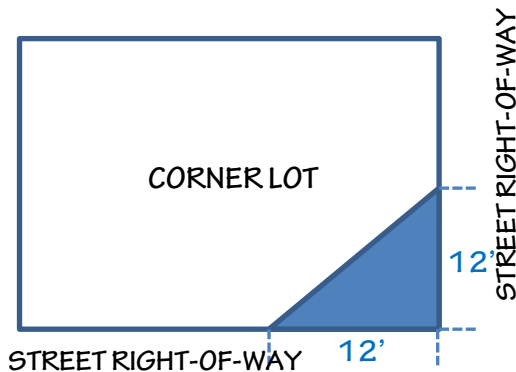
Fences (including walls or hedges) may be permitted on any property in any District, and shall be subject to the following:

<b>1</b> Purpose	<b>2</b> Definitions	<b>3</b> General Provisions	<b>4</b> District Regulations	<b>5</b> Site Plan Review & Plot Plans
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1. Fences shall not exceed a height of six (6') feet on lots used for residential purposes and twelve (12') feet in height on lots used for non-residential purposes.
2. Fences shall be no closer than five (5') feet to the front lot line or road right-of-way.
3. Fences shall not obstruct sight distances needed for safe vehicular traffic nor create a hazard to traffic or pedestrians pursuant to [Section 3.22](#).
4. Fences may be located adjacent to the lot line. Fences which are located directly on the lot line shall submit an agreement signed by both property owners to the Township to be kept on-file. The agreement shall remain in effect until one (1) or both of the property owners rescind(s) the agreement, in which case the fence shall be removed from the lot line. If no agreement is on-file, then a two (2) foot fence setback shall be required.
5. Where a lot borders a lake or stream, fencing shall not be constructed on the waterfront side within the required thirty-five (35') foot greenbelt. Fences in the waterfront yard shall not exceed four (4') feet in height nor unreasonably restrict views to the water from neighboring properties. The Planning Commission may grant a deviation from this subsection by issuing a Special Use permit. In reviewing this Special Use permit, the Planning Commission shall consider whether or not the proposed fence unreasonably restricts waterfront views of neighboring residents or may in the future.

**Section 3.22 Corner Visibility**

To maintain traffic visibility, no building, structure, trees, bushes, or other obstructions exceeding three (3') feet in height, except open fences through which there shall be clear vision shall be erected, shall be planted or maintained in the triangular area formed by the right-of-way lines of two (2) intersecting streets and a line connecting them twelve (12') feet from the point of intersection. A clear area shall be kept in this unobstructed corner between the heights of three (3') feet and ten (10') feet.



<b>1</b> Purpose	<b>2</b> Definitions	<b>3</b> General Provisions	<b>4</b> District Regulations	<b>5</b> Site Plan Review & Plot Plans
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### Section 3.23 Buffer Strips & Protective Screening

#### A. Screening/Buffer Strip.

Whenever a nonresidential use abuts a residential district or use, there shall be provided and maintained, on each side lot line and the rear lot line of the property, an obscuring fence, wall, vegetative buffer, or a combination thereof which shall be no less than six (6') feet in height. Required screening may be interrupted to provide reasonable pedestrian, bicycle, or vehicular access to a property from a public right-of-way.

1. **Screening Fences and Walls.** Solid fences, walls, chainlink, or other wire fence utilizing metal, plastic, or wood slats shall be considered an obscuring fence or wall for the purpose of this Ordinance. The construction of a fence or wall in combination with a berm to achieve the required height standards for screening purposes may also be approved.
2. **Vegetative Buffer Strip.** The Township may, in its review of site plans for specific uses, allow or require the provision of a vegetative buffer strip consisting of trees and shrubs alone or in addition to a fence or wall or berm to serve as a screen where such screens are required under this Ordinance or where conditions are such that a more effective and harmonious development with abutting or neighboring land uses would result.
  - a. The selection, spacing, size, and type of plant material shall be such as to create a horizontal obscuring effect for the entire length of the required screening area and a vertical obscuring effect, of such height and width as is determined adequate by the Planning Commission, for proper screening between land uses.
  - b. The relationship between deciduous and evergreen plant materials shall ensure that a maximum obscuring effect will be maintained throughout the various seasonal periods.

#### B. Installation and Maintenance.

1. All landscaping and landscape elements shall be planted, and earth moving or grading performed, in a sound workman-like manner and according to accepted good planting and grading procedures.
2. The owner of property required to be landscaped by this Ordinance shall maintain such landscaping in a reasonably healthy condition, free from refuse and debris. All unhealthy and dead material shall be replaced within one (1) year of damage or death or the next appropriate planting period, whichever comes first. All landscaped areas shall be provided with a readily available and acceptable water supply.

#### C. Screening/Buffering Plans.

<b>1</b> Purpose	<b>2</b> Definitions	<b>3</b> General Provisions	<b>4</b> District Regulations	<b>5</b> Site Plan Review & Plot Plans
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The plans for required protective screening shall be submitted to the Zoning Administrator for recommendations as to the suitability and arrangement of planting material. Any limbs, shrubs, or bushes which extend into the property of adjoining residential property owner may be trimmed back by the residential property owner.

D. **Waiver.**

The Planning Commission may waive or modify any requirements in this Section where cause can be shown that no good purpose would be served with conformance to this Section and that:

1. Granting the modification or waiver will not cause a substantially adverse effect on neighboring properties and will not produce nuisance conditions to occupants of nearby properties.
2. Granting the modification or waiver will not otherwise impair the public health, safety, and general welfare of the residents.
3. Granting the modification or waiver will uphold the spirit and intent of this Ordinance.

**Section 3.24 Lighting**

A. **Intent and Purpose.**

The purpose of exterior lighting standards is to create and maintain safe nighttime environments for both pedestrians and drivers on public roadways and right-of-ways by minimizing brightly lighted surfaces and lighting glare; to preserve the restful quality of nighttime by eliminating intrusive, artificial light and lighting that unnecessarily contributes to “sky glow”; and to reduce light pollution from lighting luminaries and light trespass onto adjacent properties. The following requirements shall be considered by the Planning Commission and Zoning Administrator in the review of all site plans submitted for approval under the terms of this Zoning Ordinance.

B. **General Standards.**

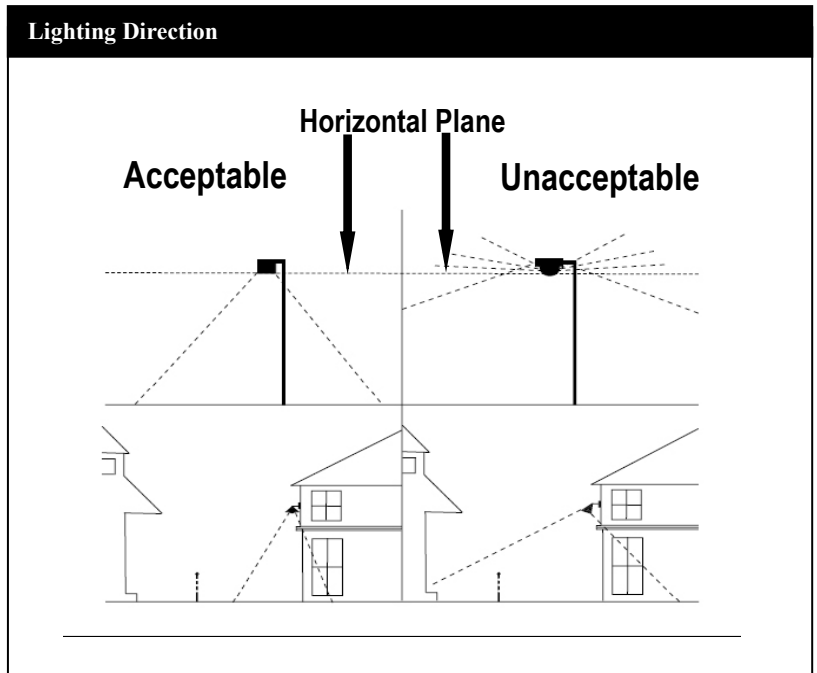
1. **Exempted Areas and Types.** The following types of outdoor lighting shall not be covered by this Ordinance:
  - a. Residential decorative lighting such as porch or entry lights, ground-level lawn and driveway lights, and special seasonal lights such as Christmas decorations.
  - b. Lights located within the public right-of-way or easement.
  - c. Temporary lighting needed for emergency services or to perform nighttime road construction on major thoroughfares.
  - d. Temporary lighting for civic activities, fairs, or carnivals provided the lighting is temporary.

<b>1</b> Purpose	<b>2</b> Definitions	<b>3</b> General Provisions	<b>4</b> District Regulations	<b>5</b> Site Plan Review & Plot Plans
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- e. Lighting required by the [Federal Communications Commission](#), [Federal Aviation Administration](#), [Federal Occupational Safety and Health Administrations](#), or other applicable federal or state agencies.
  - f. Lighting for school recreational facilities.
2. **Regulated Lighting.** The following types of lighting shall be regulated by this Ordinance:
- a. Private parking lot lighting and site lighting for commercial, industrial, and institutional developments when parking spaces total more than five (5).
  - b. Multiple-family development parking lot lighting and site lighting.
  - c. Privately-owned street lighting.
  - d. Building facade lighting.
  - e. Security lighting, spotlights, and floodlights.
  - f. Other forms of outdoor lighting which, in the judgment of the Zoning Administrator, are similar in character, luminosity, and/or glare to the foregoing.
  - g. Standards related to the lighting of signs are contained in [Section 3.30](#).
3. **Standards.** Lighting shall be designed and constructed as per the following requirements:
- a. **Design.** All exterior lighting shall be designed in a consistent and coordinated manner for the entire site. All lighting structures within a property or planned development shall be of uniform design and materials and shall be harmonious to the scale of the property and its surroundings. Parking lot and street lights shall also be of uniform height.
  - b. **Lighting Confined To Site.** Direct or directly reflected light shall be confined to the development site and pedestrian pathways and shall not negatively affect adjoining property. All lighting shall be oriented not to direct glare or excessive illumination in a manner which may interfere with the vision of drivers or pedestrians.
  - c. **Lighting Directed Downward/Shielded.** Except for diffused globe-style walkway lights and the lighting addressed in **subsection d** below, all outdoor lighting in all districts shall be directed toward and confined to the ground areas of lawns or parking lots. Exterior lighting shall be shielded, hooded, and/or louvered to provide a glare-free area beyond the lot line unless the light source is not directly visible from beyond the boundary of the site. Lighting fixtures shall have one hundred (100%) percent cut off above the horizontal plane at the lowest part of the point light source. The light rays may not be emitted by the installed fixture at angles above the horizontal plane.
  - d. **Upward Directional Lighting.** All lighting used for the external illumination of buildings and flags with lights directed in an upward direction so as to feature said buildings and flags, shall be placed and shielded so as not to interfere with the vision of persons on adjacent streets or adjacent property.

<b>1</b> Purpose	<b>2</b> Definitions	<b>3</b> General Provisions	<b>4</b> District Regulations	<b>5</b> Site Plan Review & Plot Plans
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- e. **Moving Lights.** All illumination of any outdoor feature shall not be of a flashing, moving, or intermittent type. Artificial light shall be maintained stationary and constant in intensity and color at all times when in use. Beacon, strobe, and search lights are not permitted.
- f. **Interference with Traffic Control Devices.** No colored lights shall be used at any location where they may be confused with or construed as traffic control devices.
- g. **Gas Stations.** Ceiling lights in gas pump island canopies shall be recessed.



**Section 3.25 Garage or Yard Sales**

Not more than three (3) garage or yard sales shall be conducted by a resident of Avery Township during a calendar year. Said garage or yard sale shall not exceed three (3) days duration. No sale merchandise shall be brought onto the premises for the sale. Temporary signs for the sale shall be removed at the end of the sale.

**Section 3.26 Essential Public Services**

Essential services, as defined herein, shall be permitted as authorized and regulated by law, public policy, and specific zoning regulations in any district, it being the intention otherwise to exempt such erection, construction, alteration, and maintenance from the application of this Ordinance when not in conflict with [Article 1](#) of this Ordinance except for essential service buildings and facilities, which shall be permitted by Special Use Permit in all districts. When in conflict, the Zoning Board of Appeals shall have the power to determine reasonable conditions under which such facilities shall be erected. Wireless facilities and wireless equipment, alternative tower structures, antennas, solar facilities and solar equipment, and wind turbines shall be regulated and permitted pursuant to this Ordinance and shall not be regulated or permitted as essential services, public utilities, or private utilities.

<b>1</b> Purpose	<b>2</b> Definitions	<b>3</b> General Provisions	<b>4</b> District Regulations	<b>5</b> Site Plan Review & Plot Plans
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**Section 3.27 Voting Place**

Nothing in this Ordinance shall be so construed as to interfere with the temporary use of any dwelling or property as a voting place in an authorized public election.

**Section 3.28 Reserved**

*This section is reserved for future amendments.*

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<b>1</b> Purpose	<b>2</b> Definitions	<b>3</b> General Provisions	<b>4</b> District Regulations	<b>5</b> Site Plan Review & Plot Plans
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**Section 3.29 Off-Street Parking & Loading**

**A. Purpose.**

Off-street parking space with adequate access to all spaces shall be provided and maintained in all zoning districts at the time of erection or alteration of any principal building that is adequate for parking, loading, and unloading of vehicles according to the requirements listed below and including at least the minimum number of spaces required by [Table 3.29.B](#).

**B. When Compliance is Required.**

Off-street parking and loading provisions of this Section shall apply to the following:

1. **New Construction.** For all buildings and structures erected and all uses of land established after the effective date of this Ordinance.
2. **Enlargement.** Whenever a building is expanded to increase its usable floor area.
3. **Change in Use.** Whenever the use of a building or portion of a building is changed to accommodate a use requiring more parking than the former use.
4. **Parking Area Construction and Expansion.** Normal maintenance, such as re-grading of gravel parking areas or the addition of top coat or sealer to existing paved parking areas, will not trigger full off-street parking compliance; however, pulverizing an existing asphalt, concrete, or other paved parking surface or the outright removal or substantial modification of the paved surface in preparation for paving, shall, for the purposes of this Section, be considered a new parking area.
5. **Existing Parking.** Regulations pertaining to off-street parking shall not apply to non-residential buildings in existence at the time of adoption of this Ordinance unless **subsections 1 through 4** (above) occur. Off-street parking existing at the effective date of this Ordinance which serves an existing building or use shall not be reduced in size less than that required under the terms of this Ordinance.

**C. Parking Location.**

1. **Single-Family and Two-Family Residential Uses.** Residential off-street parking space shall consist of a parking strip, driveway, garage, or any combination located on the premises they are intended to serve. In a residential district, a commercial vehicle may be parked or stored provided it does not exceed one (1) ton in capacity and is owned by someone residing on the premises.
2. **Motor Vehicle Parking: Multi-Family and Non-Residential Uses.** Parking shall be either on the same lot or within three hundred (300') feet of the building it is intended to serve, measured from the nearest point of the building to the nearest point of the off-street parking lot

**D. Parking Restriction.**

<b>1</b> Purpose	<b>2</b> Definitions	<b>3</b> General Provisions	<b>4</b> District Regulations	<b>5</b> Site Plan Review & Plot Plans
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It shall be unlawful to park or store any motor vehicle on private property without the expressed or implied consent of the owner, holder, occupant, lessee, agent, or trustee of said private property.

**E. Parking Lot and Parking Space Standards.**

All off-street parking lots providing space for more than four (4) vehicles located in any district shall comply with the following development regulation, except as specifically stated otherwise herein:

1. Plans for the development of any parking lot shall be submitted as part of the site plan to the Township Zoning Administrator and must be approved by said Zoning Administrator prior to the start of construction. In the event that, owing to inclement or cold weather conditions, said parking lot cannot be improved, a six (6) month extension can be issued by the Zoning Administrator provided a cash deposit or bank letter of credit is deposited with the Township Treasurer equivalent to ten (10%) percent of the cost of construction of the parking lot, as determined by the Zoning Administrator, which deposit or bond shall be mandatorily forfeited if said parking lot is not fully completed within said six (6) month period.
2. **Ingress/Egress.** Adequate points or means of ingress and egress shall be provided and shown in the plan submitted.
3. **Runoff and Dust.** Such parking lots shall be maintained in a usable dustproof condition and shall be graded and drained to dispose of surface water. No surface water shall be allowed to drain onto adjoining private property.
4. **Curbs.** Necessary curbs or other protection for the public and for the protection of adjoining properties, streets, and sidewalks shall be provided and maintained, as may be required by the Zoning Administrator.
5. **Illumination.** All illumination for or on such parking lots shall be deflected away from residential areas and shall be installed in such a manner as to allow the reduction of the amount of light after normal parking hours each day. Lighting shall be directed downward pursuant to [Section 3.24.B.3.c](#).
6. **Dimensions.** Lot space requirements for the layout of the parking at various angles shall be in accordance with the following minimum regulations:

<b>1</b> Purpose	<b>2</b> Definitions	<b>3</b> General Provisions	<b>4</b> District Regulations	<b>5</b> Site Plan Review & Plot Plans
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**Table 3.29 (A): Parking Space Dimensions**

	0° parallel parking	Up to 53 °	54 ° to 74 °	75 ° to 90 °
<b>Maneuvering Aisle Width</b>	12 ft	13 ft	18 ft	24 ft
<b>Parking Stall Width</b>	8.5 ft	9 ft	9 ft	10 ft
<b>Parking Stall length</b>	24 ft	21 ft	22 ft	20 ft

The minimum parking space dimension for any development not provided for in the preceding table shall be 9 feet in width; 20 feet in length; and 180 square feet in area.

Planning Commission may allow deviations from this table.

7. **Turn-Around Space.** Adequate space should be provided in all parking areas to facilitate turning around of vehicles so that the entry onto streets and roads may be in a forward manner and not by backing. Furthermore, in parking areas where internal movement of vehicles is necessary, adequate aisle space shall be provided to ensure vehicular and pedestrian safety.
8. **Snow Storage.** Adequate area must be provided for snow piling.
9. **Handicap Parking.** Handicap parking must be provided as required by state and federal regulations.
10. **Designation.** Designation of parking area must be clearly identifiable for use by the public.

**F. Number of Parking Spaces Required.**

**1. Joint Use.**

- a. **Joint Use with Overlapping Hours.** Nothing in this Section shall be construed to prevent the collective provision of off-street parking facilities for two (2) or more buildings or uses. Provided collectively such facilities shall not be less than the sum of the requirements for the various individual uses computed separately in accordance with [Table 3.29.B](#).
- b. **Joint Use without Overlapping Hours.** Joint use of the same parking area may be permitted for two (2) or more uses located on the same, adjacent, or nearby parcels provided that the developer or owner demonstrates to the satisfaction of the Township that the uses will not overlap in hours of operation or in demand for shared spaces. Shared parking shall contain enough parking spaces to satisfy the parking requirements for the use requiring the largest number of spaces. The owners of all parcels used for or making use of shared parking areas shall record a commitment stating that the uses will not overlap in hours of operation or in demand for shared spaces. The commitment shall be binding on future owners of the property(ies) and shall be recorded with the [Register of Deeds](#). Shared parking areas shall be located not more than five hundred (500') feet from the uses they are intended to serve and shall be connected to that use by a defined pedestrian walkway.

2. **Uses Not Specified.** For uses which are not specified in [Table 3.29.B](#) below, the Zoning Administrator shall determine a comparable use in [Table 3.29.B](#).
3. **Fractions.** When units or measurements determining the number of required parking spaces result in the requirement of a fractional space, any fraction up to and including one-half (1/2) shall be disregarded and fractions over one-half (1/2) shall require one (1) full parking space.
4. **Reduction of Parking Spaces.** For development in any zoning district, the Planning Commission may approve a reduction of the required off-street parking spaces where it has been demonstrated by study of the proposed use(s) or the customary operation of the use(s) that adequate parking would be provided with a lesser amount than is listed in this Section.
5. **Double Count.** Loading spaces as required in this Ordinance shall not be construed as part of the minimum required parking spaces for any facility.

**Table 3.29 (B) Parking Spaces Required**

<b>Residential Uses</b>	
<b>Use</b>	<b>Parking Spaces Required</b>
Bed & breakfast facilities/tourist homes/rooming houses	Two (2) spaces for the operator; plus one (1) for each guest room; plus one (1) space for each non-resident employee
Group day care homes	Two (2) for each home in addition to the two (2) required for the residence
Home Occupations & Cottage Industries	Two (2) spaces for dwelling use; plus one (1) for each employee; plus additional spaces for Cottage Industry as determined by Planning Commission to accommodate customers or clients
Manufactured homes	Two (2) for each dwelling unit
Multiple-family dwellings	Two (2) for each dwelling unit
Single-family and two-family dwellings	Two (2) for each dwelling unit
<b>Institutional Uses</b>	
<b>Use</b>	<b>Parking Spaces Required</b>
Adult foster care homes; convalescent homes	One (1) for each three (3) beds or two (2) rooms, whichever is less, plus one (1) for each employee on duty based upon maximum employment shift
Child Day Care Centers	One (1) per four hundred (400) square feet of usable floor area, plus one (1) per employee
Churches or similar places of worship; theaters, auditoriums, and assembly buildings	One (1) for each four (4) seats or six (6) lineal feet of seating; plus one (1) for each two (2) employees.

	Without seats: One (1) per three (3) persons allowed within the maximum occupancy load as established by fixed seats local, county, or state fire, health, or building codes
Colleges and universities	One (1) for each teacher, employee, administrator, and one (1) for each ten (10) students
Community center, library, museum or art center.	One (1) space for each two hundred (200) square feet of floor area
Elementary, middle, and junior high schools; trade schools	One (1) for each ten (10) seats in main assembly room, or one (1) for each employee plus two (2) for each classroom, whichever is greater
Government offices	One (1) for every one thousand (1,000) square feet of usable floor area
High schools	One (1) for each six (6) seats in main auditorium or one (1) for each employee; plus one (1) for each four (4) students, whichever is greater
Hospitals	One (1) for each bed and/or examining room plus one (1) for each two (2) employees on maximum working shift; plus one (1) for each two hundred (200) square feet of floor area
Library; museum	One (1) per one thousand (1,000) square feet of gross floor area
Post office	One (1) per four hundred (400) square feet of usable floor area, plus one (1) per employee
Private club, fraternity, dormitory	One (1) per three (3) members or lodgers allowed within the maximum occupancy load as established by local, county or state fire, health, or building codes

**Business Uses**

<b>Use</b>	<b>Parking Spaces Required</b>
Animal hospital; kennel	One (1) per four hundred (400) square feet of usable floor area, plus one (1) for each two (2) employees
Automobile repair garage or gas stations	Two (2) spaces for each service bay; plus one (1) space for each gas pump; plus one (1) space for each employee on maximum working shift
Bank	Three (3); plus one (1) additional space for each three hundred (300) square feet of floor area
Beauty parlor or barber shop	Two (2) for each operator chair; plus one (1) for each two (2) employees

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Convenience store, with or without gas station	Four (4) spaces for every one thousand (1,000) square feet of usable floor area, plus spaces required for gas station
Drive-in establishment (other than drive-in and carry out restaurant)	One (1) per two (2) employees
Furniture and appliance, household equipment repair shop, hardware store, and similar stores	One (1) per one thousand (1,000) square feet of usable floor area, plus one (1) per two (2) employees.
Hotels and motels	One (1) for each sleeping room; plus one (1) for each two (2) employees on the maximum working shift
Laundromats	One (1) for each two (2) washing machines and/or dry cleaning machines
Manufacturing or industrial establishments, warehouse similar establishment.	Two (2) for each three (3) employees on the maximum working shift; plus space to accommodate all vehicles used in connection with the operations of the establishment
Marine sales and service centers, including RVs	One (1) space for each employee, and one (1) for each service stall; plus one (1) space for every four hundred (400) square feet usable floor area of the sales room, but not less than five (5) spaces with or without a showroom
Mini-warehouses, self-storage establishments	1 per 10 storage units, equally distributed throughout the storage area
Mortuary establishment	One (1) per fifty (50) square feet of floor area in the parlor area
Motor vehicle wash establishment (self-service)	Three (3) per wash stall
Motor vehicle wash establishment (other than self-service)	Four (4) per maximum capacity as computed by dividing the linear dimension of the mechanical wash/dry operation by twenty (20) feet, plus one (1) per employee
Open air business use including manufactured home sales and car sales lots	One (1) per each one thousand (1,000) square feet of gross lot area used for open air sales or display, plus additional parking space for any structure utilized for retail sales computed in accordance with the requirements for retail stores
Plumbing, printing and similar service shops and businesses.	One (1) for each employee; plus one (1) for each three hundred (300) square feet of floor area
Professional offices	Three (3); plus one (1) additional space for each three hundred (300) square feet of floor area
Professional offices of doctors, dentists, or similar professions	One (1) for each one hundred (100) square feet of floor area or a minimum of four (4) spaces, whichever is greater

<b>1</b> Purpose	<b>2</b> Definitions	<b>3</b> General Provisions	<b>4</b> District Regulations	<b>5</b> Site Plan Review & Plot Plans
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Restaurants and similar establishments	One (1) for each one hundred (100) square feet of floor space
Restaurant - fast food, drive-in	One (1) per 50 square feet of usable floor area
Restaurant – carry out	One (1) per one hundred and twenty five (125) square feet gross floor area with a minimum total of eight (8) parking spaces
Retail stores	One (1) for each one hundred fifty (150) square feet of floor area
Roadside stand	Five (5) per establishment
Showroom of trades (plumber, electrical); machinery sales; wholesale store; indoor auto showroom.	One (1) per one thousand (1000) square feet of usable floor area, plus one (1) per one (1) employee
Veterinary clinics or hospitals	Four (4) for every one thousand (1,000) square feet of usable floor area

**Recreational Uses**

<b>Use</b>	<b>Parking Spaces Required</b>
Bowling alleys	Five (5) spaces for each bowling lane
Campground or RV park	One (1) for every campsite plus one (1) for each employee per shift
Private tennis club, swim club, or similar use	One (1) per two (2) member club, golf families or individual members, plus the amount required for accessory uses
Public recreation centers	Five (5) for every one thousand (1,000) square feet of usable floor area
Golf course	Four (4) per hole plus one (1) per employee, plus the amount required for accessory use
Miniature or Par 3 golf course	One (1) per hole plus one (1) per employee
Studios specializing in the instruction of musical arts, dance, health, and fitness; and exercise centers	One (1) for each two hundred (200) square feet of useable floor area, plus spaces required for any pools, tennis courts, etc.

**G. Loading/Unloading Space.**

Every building or structure engaged in loading and unloading goods shall provide space on the premises in addition to that required for parking, for the loading, unloading, and standing of all vehicles to avoid undue interference with public use of the highway.

**Section 3.30 Signs**

**A. Purpose.**

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

The use and erection of all outdoor signs shall be subject to the following provisions:

**B. General Provisions for All Zoning Districts.**

1. **Zoning Permit.** All signs shall require a zoning permit except those listed in [subsection C](#).
2. **Construction and Maintenance.** The construction of any sign shall be such that it will withstand all wind and vibration forces which can be normally expected to occur in the vicinity. All signs shall be properly maintained and shall not be allowed to become unsightly through disrepair or action of the elements.
3. **Prohibited Signs.** The following signs are prohibited:
  - a. Signs that are in need of repair, other than normal maintenance.
  - b. Signs not securely affixed to a substantial structure.
  - c. Abandoned signs.
  - d. Signs which are affixed to trees, rocks, or other natural features.
  - e. Signs which resemble official traffic signs or obstruct official signs.
  - f. Flashing, rotating, animated, intermittent, glaring, and oscillating signs.
  - g. Signs which are hazardous to traffic.
4. **Signs in the Right-of-Way.** No sign other than a traffic or regulatory sign shall be erected in a street or road right-of-way unless permission is obtained from the agency with jurisdiction over the road.

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

5. **Signs Erected by Governmental Agencies.** Signs when erected by the township, county, or state shall be permitted in all Districts.
6. **Signs Resembling Traffic Signs or Devices.** No sign shall be erected in such a manner that the position, size, movement, shape, or color may interfere with the view of, or be confused with, any public traffic sign or device.
7. **Obstructions to Doors, Windows, and Fire Escapes.** No sign shall be erected or maintained so as to prevent free ingress or egress from any door, window, or fire escape.
8. **Illumination.** Sign illumination shall not cause a reflection or glare on any portion of a public highway, in the path of oncoming vehicles, or on adjacent premises.
9. **Height and Projection Limit on Signs Attached to Building.** Signs attached to a building shall project not more than ten (10') feet from the wall of the building, nor exceed the height limitation of buildings in that district.
10. **Address Signs.** For the purpose of 911 Emergency Services, street address numbers shall be visibly displayed at all principal structures on a sign, mailbox, or on the structure with lettering at least three (3") inches in height.
11. **Obscene Material.** No sign shall contain statements, words, or pictures of an obscene nature which would appeal predominantly to a prurient interest in sexual conduct, depict or describe sexual conduct in a patently offensive way, and be offensive, rude, lewd, or disgusting according to accepted moral standards.
12. **Substitution Clause.** Any sign that can be displayed under the provisions of this Ordinance may contain a non-commercial message.

C. **Signs Not Requiring a Permit.**

1. On nonresidential property, permanent, freestanding accessory signs that do not exceed six (6 ft<sup>2</sup>) square feet each.
2. On nonresidential property, accessory signs on structures such as gas pumps or storage sheds.
3. Signs erected by any organization, firm, or corporation which is charged with warning the public of dangerous conditions and unusual hazards including but not limited to: road hazards, high voltage, fire danger, explosives, severe visibility, etc.
4. Information when cut into any masonry surface or plaques when constructed of non-ferrous metal and attached to a building.

<b>1</b> Purpose	<b>2</b> Definitions	<b>3</b> General Provisions	<b>4</b> District Regulations	<b>5</b> Site Plan Review & Plot Plans
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- 5. Signs erected by an official governmental body, public utility, or historic agency.
- 6. Flags.
- 7. Signs when located on or below a canopy, awning, or marquee.
- 8. Signs in windows.
- 9. Temporary signs or attention-getting devices.
- 10. Bulletin boards erected by public, charitable, or religious institutions when they are located on the premises of such institutions.
- 11. Signs not readable by motorists or pedestrians on any road, alley, water body, public lands, or adjacent parcels.
- 12. Signs required by law.

**D. Limitations by Districts.**

Signs are permitted according to the District in which they are located or intended to be located. Certain types of signs are permitted in certain districts according to the following regulations (per zoning lot).

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<b>1</b> Purpose	<b>2</b> Definitions	<b>3</b> General Provisions	<b>4</b> District Regulations	<b>5</b> Site Plan Review & Plot Plans
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**A and Rec-1 Districts**

Sign Type	Residential Uses	Non-Residential Uses
<b>Primary Sign, Freestanding</b> <i>(permanent)</i>	<b>Size:</b> 12 sq ft <i>(max.)</i> <b>Number Allowed:</b> 1 per dwelling unit <b>Height:</b> 10 ft	<b>Size:</b> 32 sq ft <i>(max.)</i> <b>Number Allowed:</b> 1 per road frontage <b>Height:</b> 20 ft <b>Setback:</b> At least 25 feet from the front lot line
<b>Wall Signs (Primary)</b> <i>(permanent)</i>	<b>Size:</b> 12 sq ft <i>(max.)</i> <b>Number Allowed:</b> 1 per dwelling unit	<b>Size:</b> 32 sq ft <i>(max.)</i> <b>Number Allowed:</b> 1 per road frontage
<b>Temporary Signs</b> <i>(no permit needed)</i>	32 sq ft in sum (total of all temporary signs)	
<b>Portable Changeable Copy Message Boards</b>	<b>Size:</b> 32 sq ft <i>(max.)</i> <b>Number Allowed:</b> 1	
<b>Digital or Static Message Center</b> <i>(permanent)</i>  <i>(see <a href="#">subsection E</a> below)</i>	Not allowed	Counted as part of the allowable primary sign size.
<b>Cluster Signs</b> <i>(permanent)</i>	Not allowed	No specific standards. Cluster signs are approved by the Planning Commission on a case-by-case basis.
<b>Projecting Signs</b> <i>(permanent)</i>	Not allowed	<b>Size:</b> 12 sq ft <b>Number Allowed:</b> 1 per entrance <b>Height:</b> 8 ft from ground level <i>(minimum)</i>
<b>Off-Premise Signs</b>	Not allowed	

**R-2, R-3, R-4 Districts**

<b>Sign Type</b>	<b>Residential Uses</b>	<b>Non-Residential Uses &amp; Multiple-Family Residential Developments</b>
<b>Primary Sign, Freestanding</b> <i>(permanent)</i>	<b>Size:</b> 4 sq ft <i>(max.)</i> <b>Number Allowed:</b> 1 per dwelling unit <b>Height:</b> 10 ft	<b>Size:</b> 32 sq ft <i>(max.)</i> <b>Number Allowed:</b> 1 per road frontage <b>Height:</b> 20 ft <b>Setback:</b> At least 25 feet from the front lot line
<b>Wall Signs</b> <i>(permanent)</i>	<b>Size:</b> 12 sq ft <i>(max.)</i> <b>Number Allowed:</b> 1 per dwelling unit	<b>Size:</b> 32 sq ft <i>(max.)</i> <b>Number Allowed:</b> 1 per road frontage
<b>Temporary Signs</b> <i>(no permit needed)</i>	32 sq ft in sum (total of all temporary signs)	
<b>Portable Changeable Copy Message Boards</b>	<b>Size:</b> 32 sq ft <i>(max.)</i> <b>Number Allowed:</b> 1	
<b>Digital or Static Message Center</b> <i>(permanent)</i>  <i>(see <a href="#">subsection E</a> below)</i>	Not allowed	Counted as part of the allowable primary sign size.
<b>Cluster Signs</b> <i>(permanent)</i>	Not allowed	No specific standards. Cluster signs are approved by the Planning Commission on a case-by-case basis.
<b>Projecting Signs</b> <i>(permanent)</i>	Not allowed	<b>Size:</b> 12 sq ft <b>Number Allowed:</b> 1 per entrance <b>Height:</b> 8 ft from ground level <i>(minimum)</i>
<b>Off-Premise Signs</b>	Not allowed	

**C, I-A, I-B, and E Districts**

Sign Type	
<b>Primary Sign, Freestanding</b> <i>(permanent)</i>	<p><b>Size:</b> 64 sq ft (max.)</p> <p><b>Number Allowed:</b> 2</p> <p><b>Height:</b> 20 ft</p> <p><b>Setback:</b> At least 10 ft from front lot line</p>
<b>Wall Signs</b> <i>(permanent)</i>	<p><b>Size:</b> 64 sq ft (max.)</p> <p><b>Number Allowed:</b> 1 per road frontage</p>
<b>Temporary Signs</b> <i>(no permit needed)</i>	32 sq ft in sum (total of all temporary signs)
<b>Portable Changeable Copy Message Boards</b>	<p><b>Size:</b> 32 sq ft (max.)</p> <p><b>Number Allowed:</b> 1</p>
<b>Digital or Static Message Center</b> <i>(permanent)</i>  <i>(see subsection E below)</i>	Counted as part of the allowable primary sign size.
<b>Cluster Signs</b> <i>(permanent)</i>	No specific standards. Cluster signs are approved by the Planning Commission on a case-by-case basis.
<b>Projecting Signs</b> <i>(permanent)</i>	<p><b>Size:</b> 12 sq ft</p> <p><b>Number Allowed:</b> 1 per entrance</p> <p><b>Height:</b> 8 ft from ground level (minimum)</p>
<b>Off-Premise Signs</b> <i>(see subsection F below)</i>	<p><b>Size:</b> 32 sq ft (max.)</p> <p><b>Number Allowed:</b> 1</p> <p><b>Height:</b> 20 feet</p> <p><b>Setback:</b> At least 10 ft from front lot line</p> <p><b>Approval Type:</b> Special Use</p>

**E. Digital Message Centers.**

1. A digital message center shall be allowed to have changing messages, scrolling message, and animation, but shall not be allowed to contain flashing elements.
2. The electronic elements shall be of an intensity that the brightness and motion shall not adversely affect surrounding or facing premises, nor adversely affect the safe vision of pedestrians or operators of vehicles on public or private streets, driveways or parking areas.
3. A digital message center shall contain a default mechanism that freezes the sign in one position if a malfunction occurs.
4. A digital message center shall contain a mechanism to automatically adjust the intensity of its display according to natural ambient light conditions.
5. Instruments which use technology to display or project digital messages onto windows or walls of buildings shall be considered a digital message center and shall be subject to all provisions of this Ordinance.

**F. Off-Premise Signs (Billboards).**

In addition to the standards located in [subsection D](#) above, the following standards shall also apply:

1. **Illumination.** A billboard may be externally illuminated, provided such external illumination is concentrated on the surface of the sign and is so located as to avoid glare or reflection onto any portion of an adjacent street or highway, the path of on-coming vehicles, or any adjacent premises. In no event shall any billboard have flashing or intermittent lights, nor shall the lights be permitted to rotate or oscillate except in conformance with subsection 3 below.
2. **Structure.** A billboard must be constructed in such a fashion that it will withstand all wind and vibration forces, which can normally be expected to occur in the vicinity. A billboard must be maintained so as to assure proper alignment of structure, continued structural soundness, and continued readability of message.
3. **Digital Off-Premise Signs.**
  - a. **Rate of Change.** The rate of change between static messages or images shall not exceed more than one (1) change per six (6) seconds. Each change shall be complete in one (1) second or less.
  - b. **Luminance.** The maximum daylight sign luminance level shall not exceed sixty-two thousand (62,000) candelas per meter squared at forty thousand (40,000) lux illumination beginning

<b>1</b> Purpose	<b>2</b> Definitions	<b>3</b> General Provisions	<b>4</b> District Regulations	<b>5</b> Site Plan Review & Plot Plans
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one-half (1/2) hour after sunrise and continuing until one-half (1/2) hour before sunset and does not exceed three hundred seventy-five (375) candelas per meter squared at four (4) lux illumination at all other times.

- c. Digital billboards shall be configured to default to a static display in the event of mechanical failure.

**G. Nonconforming Signs.**

Nonconforming signs are signs that do not comply with the regulations in this Ordinance including the size regulations of the zoning district in which located.

- 1. Nonconforming signs that were otherwise lawful on the effective date of this Zoning Ordinance may be continued.
- 2. No person shall increase the extent of nonconformity of a nonconforming sign nor may illumination be added to any nonconforming sign.
- 3. A nonconforming sign may not be moved or replaced except to bring the sign into complete conformity with this Section.
- 4. If a nonconforming sign is destroyed by natural causes, it may not thereafter be repaired, reconstructed, or replaced except in conformity with all provisions of this Zoning Ordinance. The remnants of the former sign structure not usable for a new conforming sign shall be removed within sixty (60) days. For purposes of this Section, a nonconforming sign is considered destroyed if it is damaged to an extent that the cost of repairing the sign to its former stature or replacing it with an equivalent sign equals or exceeds the value of the sign so damaged.
- 5. Subject to the other provisions of this Section, nonconforming signs may be repaired, maintained, serviced, or repainted if the framework and/or the size and/or shape of the sign remain unchanged. If such framework is altered or removed or the size and/or shape of the sign are altered, said sign must be changed to a conforming sign.

**H. Abandoned Signs.**

- 1. An abandoned sign is any sign to which any of the following applies:
  - a. The sign is located on a property on which the use has been abandoned.
  - b. The sign has remained blank over a period of one (1) year.
  - c. The sign’s message becomes illegible in whole or substantial part.
  - d. The sign which has fallen into disrepair.

2. **Removal of Abandoned Signs.** In the event that a sign is determined to be abandoned, the Zoning Administrator shall give notice in the form of a letter to the property owner that the sign has been determined to be abandoned. The property owner shall have ninety (90) days to remove said sign. Upon the expiration of ninety (90) days, the Zoning Administrator shall give a second notice in the form of a letter.

I. **Removal of Unsafe or Damaged Signs or Signs in Violation of this Section.**

1. **Unsafe and Damaged Signs.** In the event that any sign becomes insecure, in danger of falling, unsafe, or damaged, the owner or lessee shall, within ten (10) days of receipt of a written notice from the Zoning Administrator that the sign is in violation of this Ordinance, make such sign conform to the provisions of this Ordinance or shall cause it to be removed. The Zoning Administrator may grant a time extension if, after inspection, the Zoning Administrator determines that no immediate danger exists.

2. **Signs in Violation of this Section.**

1. Signs erected or maintained in violation of this Ordinance shall be removed by the sign owner, property owner, or occupant of the premises within thirty (30) days following mailing of an order to such owner by the Zoning Administrator (ten (10) days for Unsafe/Damaged Signs). There shall be a rebuttable evidentiary presumption that, unless a sign states the name of the owner of the sign on its structure, that the sign is owned by the owner of the real property where the sign is located.

2. In the event a court of competent jurisdiction finds that a sign is being maintained in violation of this Ordinance, the court may authorize the Zoning Administrator to cause removal of such sign and any expense incident thereto shall be paid by the owner or lessee of the sign or, if such person cannot be found, by the owner of the building or structure or property to which such sign or structure is affixed. If such expense is not paid, the Township shall have a lien on the property and such cost shall be added to the tax bill for the property. The Zoning Administrator shall refuse to issue a permit to any permittee or owner who refuses to pay costs so assessed.

<b>1</b> Purpose	<b>2</b> Definitions	<b>3</b> General Provisions	<b>4</b> District Regulations	<b>5</b> Site Plan Review & Plot Plans
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# Article 4 District Regulations

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## Section 4.1 Classification of Zoning Districts

For the purpose set forth in this Ordinance, Avery Township of Montmorency County shall be divided into the following Zoning Districts:

Rec-1	Recreational District
R-2	Single-Family Residential District
R-3	Single-Family/Two-Family Residential District
R-4	Multiple-Family Residential District
A	Agricultural District
C	Commercial District
I-A	Industrial District
I-B	Industrial District
E	Extractive District



**Section 4.2 Zoning Map & District Boundaries**

The areas assigned to each Zoning District and the boundaries shown upon the map entitled "Zoning Map of Avery Township, Montmorency County, Michigan" are hereby established, and said map and all proper notations and other information shown thereon are hereby made a part of this Ordinance.

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

**A. District Boundaries.**

1. Unless shown otherwise, the boundaries of the districts are lot lines, section lines, the centerlines of streets, alleys, roads, or such lines extended, and the unincorporated limits of the Township.
2. A boundary indicated as following a shoreline shall be construed as following such shoreline, and in the event of a change in a shoreline shall be construed as following the actual shoreline.
3. A boundary indicated as following the centerline of a stream, river, canal, lake, or other body of water shall be construed as following such centerline.
4. All questions concerning the exact location of any Zoning District boundary not clearly described shall be determined by the Zoning Board of Appeals consistent with the purposes of this Ordinance upon written application through the Township Supervisor or upon its own motion.

**B. Zoning of Vacated Areas.**

Whenever any street, alley, or other public way within the Township shall have been vacated by official governmental action, and when the lands within the boundaries thereof attach to and come a part of the land formerly within such vacated street, alley, or public way shall automatically, and without further governmental action, thenceforth acquire and be subject to the same zoning regulations as are applicable to the lands to which same shall attach, and the same shall be used as is permitted under Ordinance for such adjoining lands. In the case of a vacated right-of-way which also served as a district boundary, the centerline of such vacated right-of-way shall remain the district boundary line and the lands on either side of said centerline shall acquire the zoning district of their respective adjoining properties without further governmental action.

**C. Zoning of Filled Areas.**

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

<b>1</b> Purpose	<b>2</b> Definitions	<b>3</b> General Provisions	<b>4</b> District Regulations	<b>5</b> Site Plan Review & Plot Plans
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D. **Annexed Areas.**

Whenever any area is annexed to Avery Township, land that is zoned previously to annexation shall be classified as being in whichever district of this Ordinance most closely conforms with the zoning that existed prior to annexation, such classification to be recommended by the Planning Commission to the Township Board and the Board shall approve same by resolution.

**Section 4.3 Application of Lot & Building Regulations**

A. **Application of Area and Width Regulations.**

1. The area or width of a lot shall not be reduced below the minimum requirements herein established for the district in which such lot is located.
2. Every new parcel of land shall meet the minimum lot width requirements set forth in this Article and shall have frontage on and/or access to a public road.
3. **Lot Width Measurement.** Lot width is the horizontal distance between the side lot lines, measured at the two (2) points where the building setback line intersects the side lot line.

B. **Principal Building Requirements.**

1. Lot area, lot width, setbacks, floor area, and height limitations for principal buildings, erected, altered, removed, or enlarged after the effective date of this Ordinance must conform to the standards shown in **Section 4.15 (Schedule of Regulations)** and the individual district regulations tables found within this Article.
2. No building, structure, fence, or other permanent improvement shall be permitted to be erected or located within a public right-of-way.
3. Each lot shall contain no more than one (1) principal dwelling. However, the Planning Commission may issue a Special Use Permit to allow more than one (1) principal dwelling under the terms and conditions of **Section 3.2.D** of this Ordinance.

C. **Corner Lots.**

Corner lots shall have two (2) front yards and shall meet front setbacks on both streets.

D. **Double Frontage Lots.**

1. Where lots have double frontage, the required setback shall be provided on both streets.

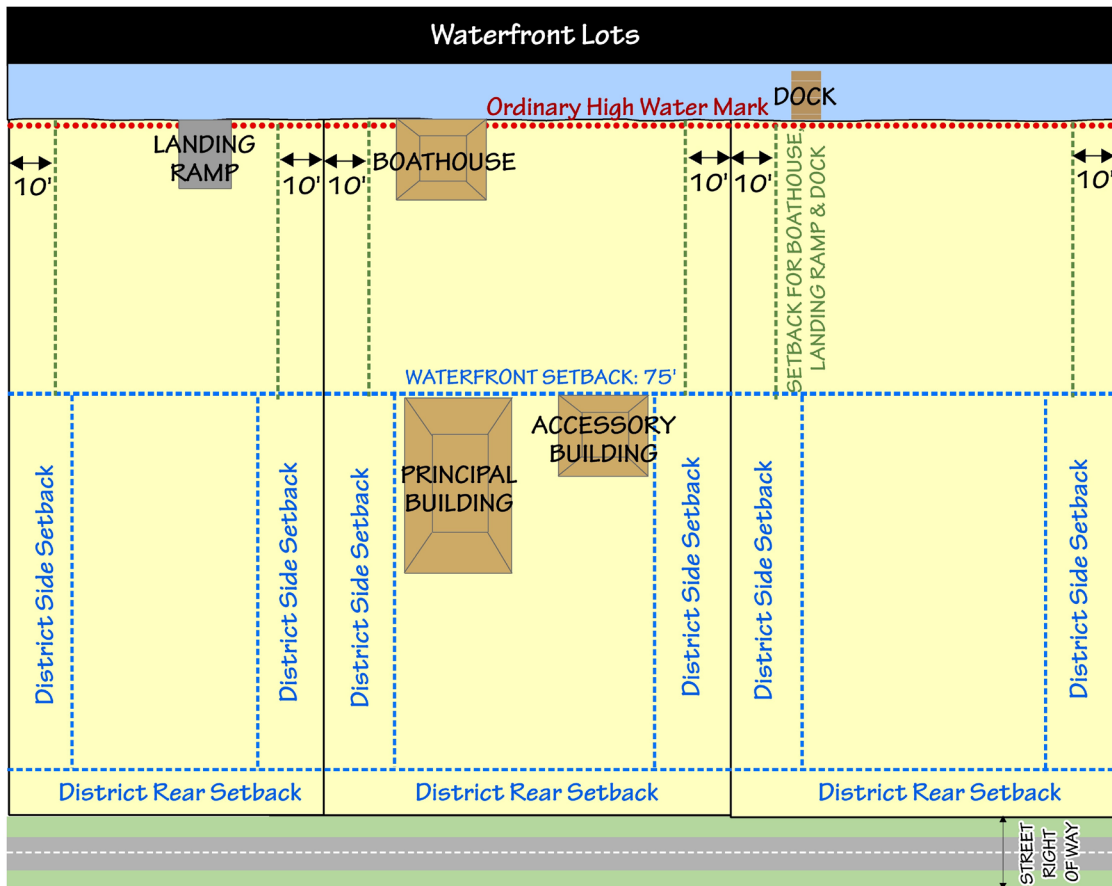
<b>1</b> Purpose	<b>2</b> Definitions	<b>3</b> General Provisions	<b>4</b> District Regulations	<b>5</b> Site Plan Review & Plot Plans
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2. In the case of a row of double frontage lots, one (1) street shall be designated as the front street for all lots in the plat and in the request for zoning permit, as determined by the Zoning Administrator. If there are existing structures in the same block fronting on one (1) or both of the streets, the required front setback shall be observed on those streets where such structures presently front.

**E. Water Frontage Lots.**

On all lots abutting lakes or streams, no building or structure, except boathouses, landing ramps, and docks, shall be erected less than seventy-five (75') feet from the ordinary high water mark, PROVIDED, that no boathouse, landing ramp, or dock shall be erected less than ten (10') feet from any side lot lines, and no boathouse shall exceed twelve (12') feet in height above said water level.

**Figure 4.3**



**F. Official Setback Lines.**

Setback shall be measured from the foundation of the building or from the line of the deck or patio, if existing.

<b>1</b> Purpose	<b>2</b> Definitions	<b>3</b> General Provisions	<b>4</b> District Regulations	<b>5</b> Site Plan Review & Plot Plans
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G. **Supplementary Height Provisions.**

1. **Columnar and Like Structures.** Height limitations shall not apply to belfries, chimneys, roof-top equipment (such as antenna or satellite dishes), church spires, conveyors, cooling towers, elevator bulk heads, fire towers, scenery lofts, tanks, and water towers as approved by the Zoning Administrator.
2. **Airport Neighborhood.** No building or structure within five hundred (500') feet of an airport shall exceed thirty-five (35') feet in height.

**Section 4.4 Application of Use Regulations**

A. **Uses in Districts.**

1. **Permitted Uses.** Permitted uses shall be permitted by right only if specifically listed as permitted uses in the specific zoning district or **Table 4.14** or are similar to such listed uses, as determined by the Planning Commission.
2. **Special Uses.** Special Uses are permitted after review and approval by the Planning Commission only if specifically listed as a Special Use in the specific zoning district or **Table 4.14** or are similar to such listed uses, as determined by the Planning Commission.

B. **Unlisted Uses.**

The Township Planning Commission shall have the power on written request of a property owner in a zoning district to classify a use not listed with a comparable permitted use or Special Use in the district. Petition for such classification shall be made through the office of the Township Zoning Administrator. If it is determined, by the Planning Commission, that there is no comparable use, then the use shall be allowed only by amendment of this Ordinance.

<b>1</b> Purpose	<b>2</b> Definitions	<b>3</b> General Provisions	<b>4</b> District Regulations	<b>5</b> Site Plan Review & Plot Plans
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**Section 4.5 Recreational District (Rec-1)**

**Rec-1**

**A. Intent.**

In keeping with the special character of portions of Avery Township, most notably the lakes, this district is developed to permit the diversification of uses compatible with recreational developments and yet limiting the uses when such uses would constitute a detriment to the natural environment.

**B. Uses Allowed.**

Permitted and Special Uses shall be limited to those listed below (also in [Section 4.14: Full Table of Permitted Uses and Special Uses](#)) and shall be subject to all applicable provisions of [Article 5: Site Plan Review and Plot Plans](#), [Article 6: Special Use Review](#), and [Article 7: Supplemental Regulations](#).

<b>TABLE OF PERMITTED USES &amp; SPECIAL USES</b>	
<i>P = Permitted by right</i> <i>S = Permitted with a Special Use Permit</i> <i>*supplemental development regulations</i>	<b>Rec-1</b>
<b>Accommodation &amp; Food/Event Services</b>	
Bed & Breakfasts & Tourist Homes <a href="#">§7.3</a>	<b>P*</b>
Farm Stays/Guest Ranches on at least 20 acres	<b>P</b>
Short Term Rental Homes	<b>S</b>
Wineries & Cider Mills (including accessory uses such as tasting rooms)	<b>S</b>
<b>Agriculture, Animals &amp; Forest Products</b>	
Farming, Commercial	<b>P</b>
Farming, Domestic/Hobby	<b>P</b>
Farm Markets	<b>S</b>
Forest Products Processing (Saw Mills, Veneer Mills, Planing Mills & related operations). Mills shall be temporary not to exceed 1 year of operation.	<b>S</b>
Forestry/Forest Management (including forest harvesting & temporary log storage yards)	<b>S</b>
Game Preserves/Hunting Preserves	<b>S</b>
<b>Arts, Entertainment &amp; Recreation</b>	
Campgrounds (at least 10 acres) <a href="#">§7.5</a>	<b>S*</b>
Camps (Summer Camps)	<b>S</b>
Canoe/Kayak/Boat Liveries	<b>S</b>
Circus & Carnival Lots	<b>S</b>
Country Clubs	<b>S</b>
Golf Courses <a href="#">§7.22</a>	<b>P*</b>
Historic Sites	<b>P</b>
Marinas (Public/private)	<b>S</b>
Nature Parks/Nature Areas	<b>P</b>
RV Parks <a href="#">§7.5</a>	<b>S*</b>
Snowmobile Trails	<b>S</b>
Wildlife Preserves/Forestry Preserves	<b>P</b>
Zoos (including Petting Zoos) & Animal Tours	<b>S</b>

<b>TABLE OF PERMITTED USES &amp; SPECIAL USES</b>	
<i>P = Permitted by right</i> <i>S = Permitted with a Special Use Permit</i> <i>*supplemental development regulations</i>	<b>Rec-1</b>
<b>Commercial, Services &amp; Retail</b>	
Farm & Feed Supply Stores	<b>S</b>
Farm Market	<b>S</b>
<b>Communications</b>	
Small Cell Wireless Facilities <a href="#">§7.31</a>	<b>S*</b>
Wireless Communications Facilities with Support Structures (i.e. cell towers) <a href="#">§7.31</a>	<b>S*</b>
Wireless Communications Facilities, Ground-Mounted (Earth Station or Ground Station) <a href="#">§7.31</a>	<b>S*</b>
<b>Human Care &amp; Social Assistance</b>	
Adult Foster Care Family Homes (6 or less)	<b>P</b>
Adult Foster Care Small Group Home (7-12)	<b>P</b>
Adult Foster Care Large Group Home (13-20)	<b>P</b>
Child Care Home, Family	<b>P</b>
Child Care Home, Group	<b>S</b>
State-Licensed Residential Facilities (6 or less)	<b>P</b>
<b>Miscellaneous</b>	
Accessory Buildings & Uses Incidental to Principal Uses <a href="#">§3.10</a>	<b>P*</b>
Planned Unit Developments <a href="#">§7.26</a>	<b>S*</b>
Site Condominium Development <a href="#">§7.27</a>	<b>S*</b>
Temporary Buildings (used during construction)	<b>P</b>
<b>Residential Uses</b>	
Accessory Dwelling Units/Guest Houses <a href="#">§7.4</a>	<b>S*</b>
Dwelling Units on same lot with Commercial	<b>S</b>
Home Occupations <a href="#">§7.2</a>	<b>S*</b>
Cottage Industries <a href="#">§7.2</a>	<b>S*</b>
Single-Family Dwelling	<b>P</b>

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

TABLE OF PERMITTED USES & SPECIAL USES	
<i>P = Permitted by right</i> <i>S = Permitted with a Special Use Permit</i> <i>*supplemental development regulations</i>	<b>Rec-1</b>
Utilities & Energy	
Essential Services	<b>P</b>
Essential Service Buildings or Facilities (including transformer stations & similar)	<b>S</b>

TABLE OF PERMITTED USES & SPECIAL USES	
<i>P = Permitted by right</i> <i>S = Permitted with a Special Use Permit</i> <i>*supplemental development regulations</i>	<b>Rec-1</b>
Utilities & Energy (cont.)	
Public Utility Facilities (without storage yards)	<b>S</b>
Wind Energy Systems (On-Site) §7.30	<b>S*</b>

**C. Development Standards for Rec-1 District.**

Principal buildings within this district shall adhere to the standards within this table unless specifically stated otherwise in this Ordinance:

**Rec-1**

**1. Lot & Structure Standards**

a. Lot Area (min.)	20,000 sq ft
b. Lot Width (min.)	150 ft
c. Building Height (max.)	35 ft
d. Dwelling Unit Size (min.) per dwelling unit	Single-Family: 720 sq ft (Does not apply to hotel/motels, resorts, cabins courts, accessory dwelling units, hunting cabins, and similar uses.)

**2. Setbacks (Figure 4.5)**

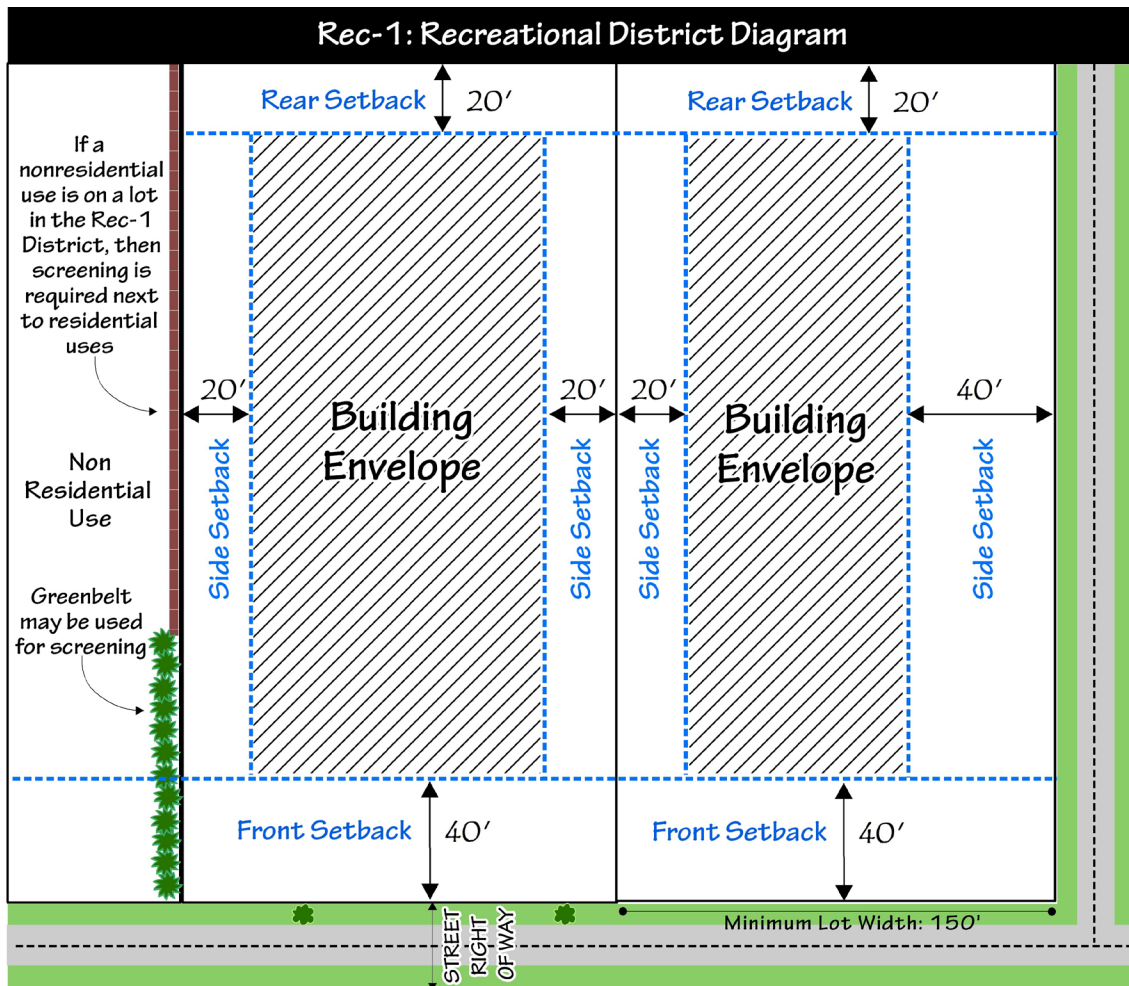
a. Front (min.)	40 ft Corner lots have 2 front yards
b. Side (min.)	20 ft
c. Rear (min.)	20 ft

**3. Additional Development Standards**

a. Accessory Buildings	See §3.10.
b. Screening	When a non-residential use abuts a residential use or district, screening is required per §3.23. A vegetative buffer strip may be used per §3.23.A.2.
c. Fences	See §3.21.
d. Decks & Patios	Decks and patios shall meet principal building setbacks.
e. Signs	See §3.30.
f. Parking	See §3.29.
g. Waterfront Lots	On all lots abutting lakes or streams, no building or structure, except boathouses, landing ramps, and docks, shall be erected less than 75 ft from the ordinary high water mark, PROVIDED, that no boathouse, landing ramp, or dock shall be erected less than 10 ft from any side lot lines, and no boathouse shall exceed 12 ft in height above said water level. See Figure 4.3. A waterfront greenbelt shall be maintained pursuant to Section 3.20. See Section 7.21: Waterfront Development Density Limitations.

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

Figure 4.5



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

**Section 4.6 Single-Family Residential District (R-2)**

**R-2**

**A. Intent.**

The purpose of the provisions of this district is to reserve areas principally for single-family residential use and to maintain safe and desirable conditions for year-round family living, and primarily to promote the proper use, enjoyment, and conservation of the water, land, topographic, and vegetation resources of the area of the Township deemed particularly adapted to such uses.

**B. Uses Allowed.**

Permitted and Special Uses shall be limited to those listed below (also in [Section 4.14: Full Table of Permitted Uses and Special Uses](#)) and shall be subject to all applicable provisions of [Article 5: Site Plan Review and Plot Plans](#), [Article 6: Special Use Review](#), and [Article 7: Supplemental Regulations](#).

TABLE OF PERMITTED USES & SPECIAL USES	
<i>P = Permitted by right</i> <i>S = Permitted with a Special Use Permit</i> <i>*supplemental development regulations</i>	<b>R-2</b>
Accommodation & Food/Event Services	
Bed & Breakfasts & Tourist Homes <a href="#">§7.3</a>	<b>S*</b>
Short Term Rental Homes	<b>S</b>
Arts, Entertainment & Recreation	
Historic Sites	<b>P</b>
Public Parks, Playgrounds, & Recreation Areas	<b>P</b>
Educational Services/Religion	
Public, charter or private schools (elementary through high school)	<b>S</b>
Religious Institutions & Customary Accessory Uses	<b>P</b>
Human Care & Social Assistance	
Adult Day Care Facility (6 or less adults) – IN PRIVATE HOME	<b>S</b>
Adult Day Care Facility (greater than 6 adults) – IN PRIVATE HOME	<b>S</b>
Adult Day Care Facility NOT IN PRIVATE HOME	<b>S</b>
Adult Foster Care Family Homes (6 or less)	<b>P</b>
Adult Foster Care Small Group Home (7-12)	<b>S</b>
Child Care Home, Family	<b>P</b>
Child Care Home, Group	<b>S</b>
State-Licensed Residential Facilities ( 6 or less)	<b>P</b>
Miscellaneous	
Accessory Buildings & Uses Incidental to Principal Uses <a href="#">§3.10</a>	<b>P*</b>
Planned Unit Developments <a href="#">§7.26</a>	<b>S*</b>

TABLE OF PERMITTED USES & SPECIAL USES	
<i>P = Permitted by right</i> <i>S = Permitted with a Special Use Permit</i> <i>*supplemental development regulations</i>	<b>R-2</b>
Miscellaneous (continued)	
Site Condominium Development <a href="#">§7.27</a>	<b>S*</b>
Temporary Buildings (used during construction)	<b>P</b>
Public Facilities	
Publicly-Owned Buildings & Community Facilities	<b>S</b>
Community Centers	<b>S</b>
Government Offices	<b>S</b>
Police/Fire Stations	<b>S</b>
Post Office	<b>S</b>
Public Works Facilities	<b>S</b>
Residential Uses	
Accessory Dwelling Units/Guest Houses <a href="#">§7.4</a>	<b>S*</b>
Dwelling Units on same lot with Commercial	<b>S</b>
Home Occupations <a href="#">§7.2</a>	<b>P*</b>
Cottage Industries <a href="#">§7.2</a>	<b>S*</b>
Single-Family Dwelling	<b>P</b>
Utilities & Energy	
Essential Services	<b>P</b>
Essential Service Buildings or Facilities (including transformer stations & similar)	<b>S</b>
Public Utility Facilities (without storage yards)	<b>S</b>
Wind Energy Systems (On-Site) <a href="#">§7.30</a>	<b>S*</b>

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



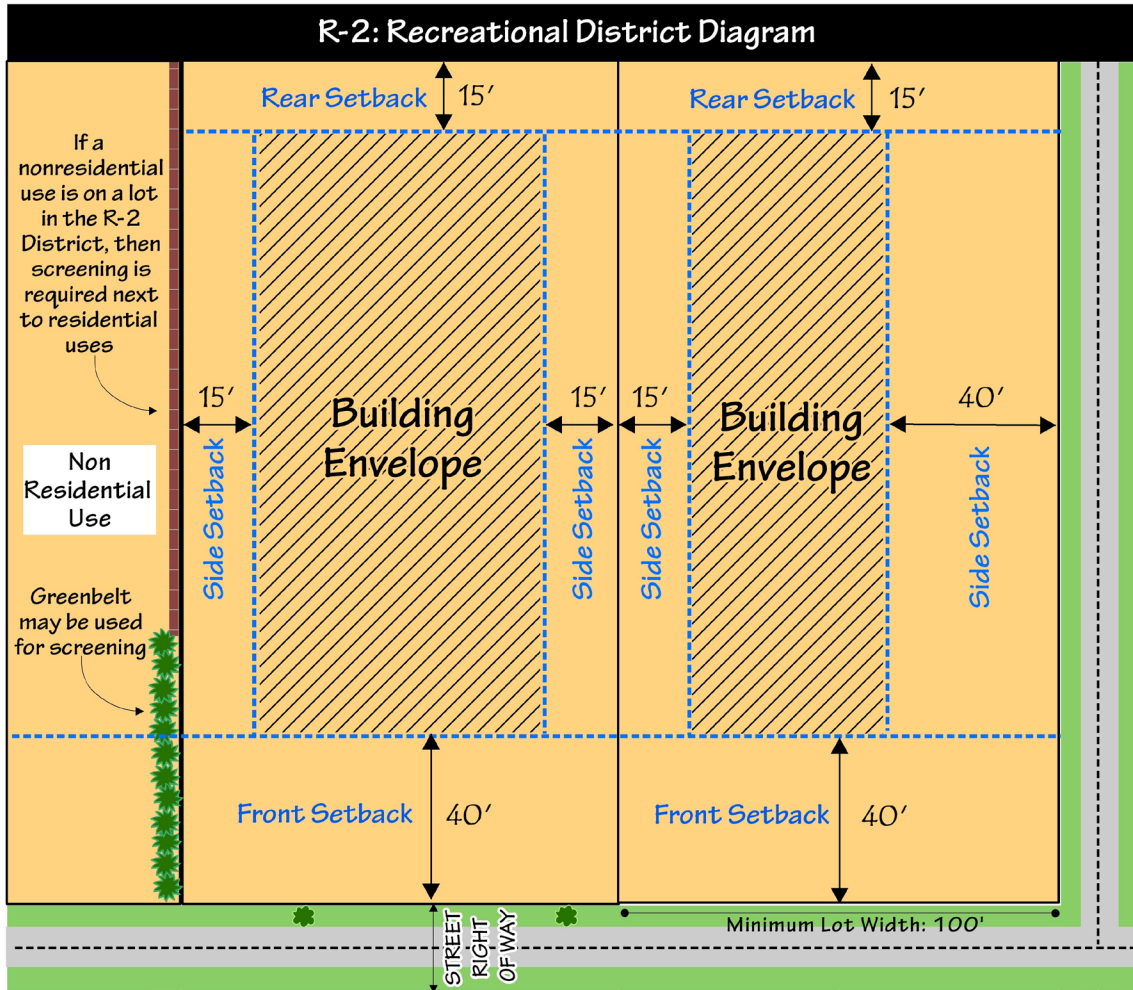
**C. Development Standards for R-2 District.**

**R-2**

Principal buildings within this district shall adhere to the standards within this table unless specifically stated otherwise in this Ordinance:

<b>1. Lot &amp; Structure Standards</b>	
a. Lot Area (min.)	12,000 sq ft
b. Lot Width (min.)	100 ft
c. Building Height (max.)	35 ft
d. Dwelling Unit Size (min.) per dwelling unit	Single-Family: 720 sq ft
	Does not apply to hotel/motels, resorts, cabins courts, accessory dwelling units, hunting cabins, and similar uses.
<b>2. Setbacks (Figure 4.6)</b>	
a. Front (min.)	40 ft Corner lots have 2 front yards
b. Side (min.)	15 ft
c. Rear (min.)	15 ft
<b>3. Additional Development Standards</b>	
a. Accessory Buildings	See <a href="#">§3.10</a> .
b. Screening	When a non-residential use abuts a residential use or district, screening is required per <a href="#">§3.23</a> . A vegetative buffer strip may be used per <a href="#">§3.23.A.2</a> .
c. Fences	See <a href="#">§3.21</a> .
d. Decks & Patios	Decks and patios shall meet principal building setbacks.
e. Signs	See <a href="#">§3.30</a> .
f. Parking	See <a href="#">§3.29</a> .
g. Waterfront Lots	On all lots abutting lakes or streams, no building or structure, except boathouses, landing ramps, and docks, shall be erected less than 75 ft from the ordinary high water mark, PROVIDED, that no boathouse, landing ramp, or dock shall be erected less than 10 ft from any side lot lines, and no boathouse shall exceed 12 ft in height above said water level. See <a href="#">Figure 4.3</a> . A waterfront greenbelt shall be maintained pursuant to <a href="#">Section 3.20</a> .  See <a href="#">Section 7.21: Waterfront Development Density Limitations</a> .

Figure 4.6



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

**Section 4.7 Single-Family/Two-Family Residential District (R-3)**

**A. Intent.**

**R-3**

This district is intended to provide a limited mixture of residential housing types to provide a wider range of choice by residents seeking housing.

**B. Uses Allowed.**

Permitted and Special Uses shall be limited to those listed below (also in [Section 4.14: Full Table of Permitted Uses and Special Uses](#)) and shall be subject to all applicable provisions of [Article 5: Site Plan Review and Plot Plans](#), [Article 6: Special Use Review](#), and [Article 7: Supplemental Regulations](#).

TABLE OF PERMITTED USES & SPECIAL USES	
<i>P = Permitted by right</i> <i>S = Permitted with a Special Use Permit</i> <i>*supplemental development regulations</i>	<b>R-3</b>
Accommodation & Food/Event Services	
Bed & Breakfasts & Tourist Homes <a href="#">§7.3</a>	<b>S*</b>
Short Term Rental Homes	<b>S</b>
Arts, Entertainment & Recreation	
Historic Sites	<b>P</b>
Public Parks, Playgrounds, & Recreation Areas	<b>P</b>
Educational Services/Religion	
Public, charter or private schools (elementary through high school)	<b>S</b>
Religious Institutions & Customary Accessory Uses	<b>P</b>
Human Care & Social Assistance	
Adult Day Care Facility (6 or less) – IN PRIVATE HOME	<b>S</b>
Adult Day Care Facility (greater than 6) – IN PRIVATE HOME	<b>S</b>
Adult Day Care Facility NOT IN PRIVATE HOME	<b>S</b>
Adult Foster Care Family Homes (6 or less)	<b>P</b>
Adult Foster Care Small Group Home (7-12)	<b>S</b>
Child Care Home, Family	<b>P</b>
Child Care Home, Group	<b>S</b>
State-Licensed Residential Facilities 6 or less)	<b>P</b>
Miscellaneous	
Accessory Buildings & Uses Incidental to Principal Uses <a href="#">§3.10</a>	<b>P*</b>
Planned Unit Developments <a href="#">§7.26</a>	<b>S*</b>
Site Condominium Development <a href="#">§7.27</a>	<b>S*</b>
Temporary Buildings (used during construction)	<b>P</b>

TABLE OF PERMITTED USES & SPECIAL USES	
<i>P = Permitted by right</i> <i>S = Permitted with a Special Use Permit</i> <i>*supplemental development regulations</i>	<b>R-3</b>
Public Facilities	
Publicly-Owned Buildings & Community Facilities	<b>S</b>
Community Centers	<b>S</b>
Government Offices	<b>S</b>
Police/Fire Stations	<b>S</b>
Post Office	<b>S</b>
Public Works Facilities	<b>S</b>
Residential Uses	
Accessory Dwelling Units/Guest Houses <a href="#">§7.4</a>	<b>S*</b>
Dwelling Units on same lot with Commercial	<b>S</b>
Home Occupations <a href="#">§7.2</a>	<b>P*</b>
Cottage Industries <a href="#">§7.2</a>	<b>S*</b>
Single-Family Dwelling	<b>P</b>
Two-Family Dwelling (duplex)	<b>P</b>
Utilities & Energy	
Essential Services	<b>P</b>
Essential Service Buildings or Facilities (including transformer stations & similar)	<b>S</b>
Public Utility Facilities (without storage yards)	<b>S</b>
Wind Energy Systems (On-Site) <a href="#">§7.30</a>	<b>S*</b>

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

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

Principal buildings within this district shall adhere to the standards within this table unless specifically stated otherwise in this Ordinance:

**R-3**

**1. Lot & Structure Standards**

a. Lot Area (min.)	12,000 sq ft (without public water and sewer) – single-family 8,500 sq ft (with public water and sewer) – single-family 6,000 sq ft per dwelling unit for multiple dwellings on 1 lot
b. Lot Width (min.)	100 ft (without public water and sewer) 85 ft (with public water and sewer)
c. Building Height (max.)	35 ft
d. Dwelling Unit Size (min.) per dwelling unit	Single-Family: 720 sq ft
	Two-Family (Duplex): 1,440 sq ft Does not apply to hotel/motels, resorts, cabins courts, accessory dwelling units, hunting cabins, and similar uses.

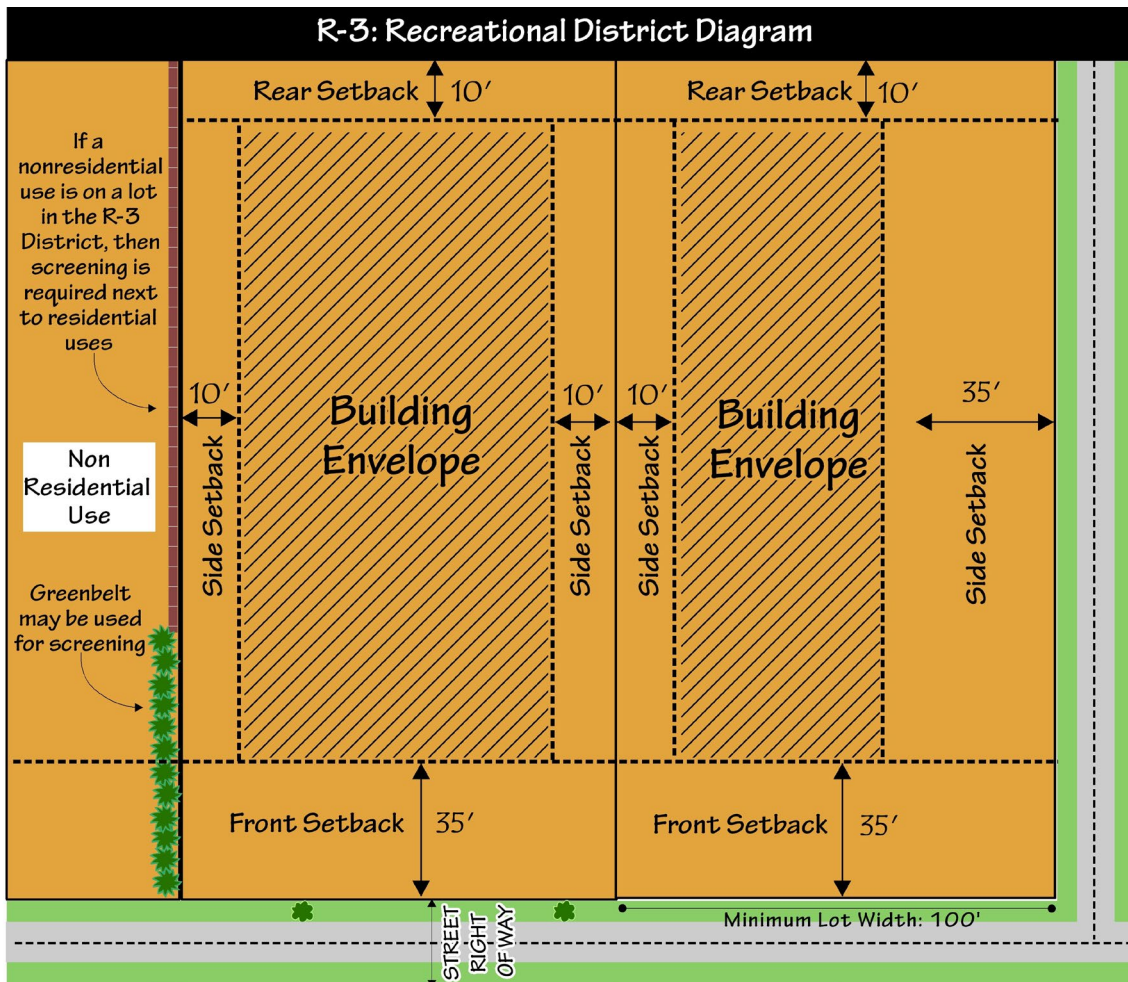
**2. Setbacks (Figure 4.7)**

a. Front (min.)	35 ft Corner lots have 2 front yards
b. Side (min.)	10 ft
c. Rear (min.)	10 ft

**3. Additional Development Standards**

a. Accessory Buildings	See <a href="#">§3.10</a> .
b. Screening	When a non-residential use abuts a residential use or district, screening is required per <a href="#">§3.23</a> . A vegetative buffer strip may be used per <a href="#">§3.23.A.2</a> .
c. Fences	See <a href="#">§3.21</a> .
d. Decks & Patios	Decks and patios shall meet principal building setbacks.
e. Signs	See <a href="#">§3.30</a> .
f. Parking	See <a href="#">§3.29</a> .
g. Waterfront Lots	On all lots abutting lakes or streams, no building or structure, except boathouses, landing ramps, and docks, shall be erected less than 75 ft from the ordinary high water mark, PROVIDED, that no boathouse, landing ramp, or dock shall be erected less than 10 ft from any side lot lines, and no boathouse shall exceed 12 ft in height above said water level. See <a href="#">Figure 4.3</a> . A waterfront greenbelt shall be maintained pursuant to <a href="#">Section 3.20</a> .  See <a href="#">Section 7.21: Waterfront Development Density Limitations</a> .

Figure 4.7



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

**Section 4.8 Multiple-Family Residential District (R-4)**

**A. Intent.**

**R-4**

The intent of the R-4 District is to provide for the widest variety of housing types in a single district, to provide for lodging and rooming houses under specific capacities, and to serve the needs of the Township for garden apartments, townhouses, and group housing of similar character and destiny.

**B. Uses Allowed.**

Permitted and Special Uses shall be limited to those listed below (also in [Section 4.14: Full Table of Permitted Uses and Special Uses](#)) and shall be subject to all applicable provisions of [Article 5: Site Plan Review and Plot Plans](#), [Article 6: Special Use Review](#), and [Article 7: Supplemental Regulations](#).

<b>TABLE OF PERMITTED USES &amp; SPECIAL USES</b>	
<i>P = Permitted by right S = Permitted with a Special Use Permit *supplemental development regulations</i>	<b>R-4</b>
<b>Accommodation &amp; Food/Event Services</b>	
Bed & Breakfasts & Tourist Homes <a href="#">§7.3</a>	<b>P*</b>
Rooming Houses/Boarding Houses	<b>P</b>
Short Term Rental Homes	<b>S</b>
<b>Arts, Entertainment &amp; Recreation</b>	
Historic Sites	<b>P</b>
Public Parks, Playgrounds, & Recreation Areas	<b>P</b>
<b>Educational Services/Religion</b>	
Public, charter or private schools (elementary through high school)	<b>P</b>
Religious Institutions & Customary Accessory Uses	<b>P</b>
<b>Human Care &amp; Social Assistance</b>	
Adult Day Care Facility (6 or less) in private home	<b>S</b>
Adult Day Care Facility (greater than 6) in private home	<b>S</b>
Adult Day Care Facility NOT IN PRIVATE HOME	<b>S</b>
Adult Foster Care Family Homes (6 or less)	<b>P</b>
Adult Foster Care Small Group Home (7-12)	<b>S</b>
Adult Foster Care Large Group Home (13-20)	<b>S</b>
Adult Foster Care Congregate Facilities (over 20)	<b>S</b>
Child Care Home, Family	<b>P</b>
Child Care Home, Group	<b>S</b>
State-Licensed Residential Facilities (6 or less)	<b>P</b>
<b>Miscellaneous</b>	
Accessory Buildings & Uses Incidental to Principal Uses <a href="#">§3.10</a>	<b>P*</b>
Planned Unit Developments <a href="#">§7.26</a>	<b>S*</b>
Site Condominium Development <a href="#">§7.27</a>	<b>S*</b>
Temporary Buildings (used during construction)	<b>P</b>

<b>TABLE OF PERMITTED USES &amp; SPECIAL USES</b>	
<i>P = Permitted by right S = Permitted with a Special Use Permit *supplemental development regulations</i>	<b>R-4</b>
<b>Public Facilities</b>	
Publicly-Owned Buildings & Community Facilities	<b>S</b>
Community Centers	<b>S</b>
Government Offices	<b>S</b>
Police/Fire Stations	<b>S</b>
Post Office	<b>S</b>
Public Works Facilities	<b>S</b>
<b>Residential Uses</b>	
Accessory Dwelling Units/Guest Houses <a href="#">§7.4</a>	<b>S*</b>
Dwelling Units on same lot with Commercial	<b>S</b>
Home Occupations <a href="#">§7.2</a>	<b>P*</b>
Cottage Industries <a href="#">§7.2</a>	<b>S*</b>
Manufactured Housing Community (with accessory uses such as laundry facilities, office building, & community building)	<b>P</b>
Multiple-Family Dwelling Units (Apartments; Townhouses) <a href="#">§7.12</a>	<b>P*</b>
Single-Family Dwelling	<b>P</b>
Two-Family Dwelling (duplex)	<b>P</b>
<b>Utilities &amp; Energy</b>	
Essential Services	<b>P</b>
Essential Service Buildings or Facilities (including transformer stations & similar)	<b>S</b>
Public Utility Facilities (without storage yards)	<b>S</b>
Wind Energy Systems (On-Site) <a href="#">§7.30</a>	<b>S*</b>

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

**C. Development Standards for R-4 District.**

Principal buildings within this district shall adhere to the standards within this table unless specifically stated otherwise in this Ordinance:

**R-4**

**1. Lot & Structure Standards**

a. Lot Area (min.)	12,000 sq ft (without public water and sewer) – single-family 8,500 sq ft (with public water and sewer) – single-family 4,000 sq ft per dwelling unit for multiple dwellings on 1 lot
b. Lot Width (min.)	100 ft
c. Building Height (max.)	35 ft
d. Dwelling Unit Size (min.) per dwelling unit	Single-Family: 720 sq ft Two-Family (Duplex): 1,440 sq ft Multiple-Family Dwellings: Efficiency: 240 sq ft 1-Bedroom Unit: 320 sq ft 2-Bedroom Unit: 420 sq ft 3-Bedroom Unit: 520 sq ft 4-Bedroom Unit: 620 sq ft Does not apply to hotel/motels, resorts, cabins courts, accessory dwelling units, hunting cabins, and similar uses.

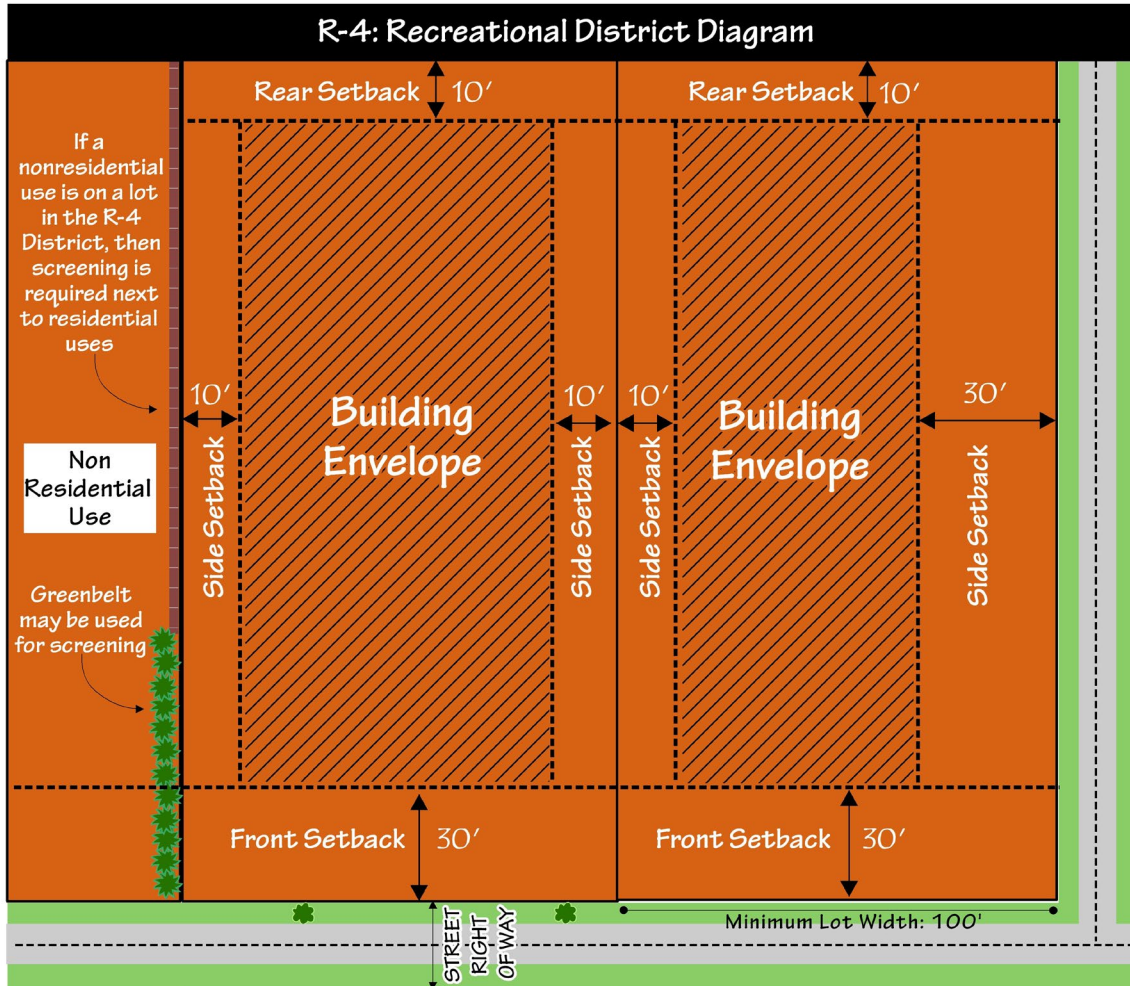
**2. Setbacks (Figure 4.8)**

a. Front (min.)	30 ft Corner lots have 2 front yards
b. Side (min.)	10 ft
c. Rear (min.)	10 ft

**3. Additional Development Standards**

a. Accessory Buildings	See <a href="#">§3.10</a> .
b. Screening	When a non-residential use abuts a residential use or district, screening is required per <a href="#">§3.23</a> . A vegetative buffer strip may be used per <a href="#">§3.23.A.2</a> .
c. Fences	See <a href="#">§3.21</a> .
d. Decks & Patios	Decks and patios shall meet principal building setbacks.
e. Signs	See <a href="#">§3.30</a> .
f. Parking	See <a href="#">§3.29</a> .
g. Waterfront Lots	On all lots abutting lakes or streams, no building or structure, except boathouses, landing ramps, and docks, shall be erected less than 75 ft from the ordinary high water mark, PROVIDED, that no boathouse, landing ramp, or dock shall be erected less than 10 ft from any side lot lines, and no boathouse shall exceed 12 ft in height above said water level. See <a href="#">Figure 4.3</a> . A waterfront greenbelt shall be maintained pursuant to <a href="#">Section 3.20</a> .  See <a href="#">Section 7.21: Waterfront Development Density Limitations</a> .

Figure 4.8



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



**Section 4.9 Agricultural District (A)**

**A**

**A. Intent.**

The predominant land uses in this district are primarily agricultural and rural in character, embodying agricultural and commingled with bodies of water, forestlands, and open country. It is the intent of this Ordinance, to conserve and promote the general continuance of these uses. However, the provisions of this section also recognize the gradual extension of residential and other property uses into the district and the importance of adopting good standards to guide such developments in the interest of overall good land and resource use. Since certain land uses are generally accepted as compatible with agricultural and rural residential developments, if properly integrated, the inclusion of such uses is provided by Special Use.

**B. Uses Allowed.**

Permitted and Special Uses shall be limited to those listed below (also in [Section 4.14: Full Table of Permitted Uses and Special Uses](#)) and shall be subject to all applicable provisions of [Article 5: Site Plan Review and Plot Plans](#), [Article 6: Special Use Review](#), and [Article 7: Supplemental Regulations](#).

TABLE OF PERMITTED USES & SPECIAL USES	
<i>P</i> = Permitted by right <i>S</i> = Permitted with a Special Use Permit <i>*supplemental development regulations</i>	<b>A</b>
Accommodation & Food/Event Services	
Bed & Breakfasts & Tourist Homes <a href="#">§7.3</a>	<b>P*</b>
Commercial Event Facilities (including Convention Centers, Conference Centers, Banquet Halls, Wedding Venues) <a href="#">§7.24</a>	<b>S*</b>
Resorts, Vacation Lodges & Farms Stays/Guest Ranches (including accessory facilities such as stables, corral, swimming pools, food services, & incidental retail sales & services)	<b>S</b>
Wineries & Cider Mills (including accessory uses such as tasting rooms)	<b>S</b>
Agriculture, Forest Products & Animal Services	
Agricultural Products Processing & Storage (excluding concentrated animal feeding operations)	<b>P</b>
Animal Sales Yards/Auctions for Livestock	<b>S</b>
Agricultural Tourism Businesses (on Farms)	<b>S</b>
Biofuel Production Facilities on Farms <a href="#">§7.28</a>	<b>PS*</b>
Boarding Stables; Riding Stables/Academies, Non-Commercial <a href="#">§7.18</a>	<b>P*</b>
Farming, Commercial	<b>P</b>
Farming, Domestic/Hobby	<b>P</b>

TABLE OF PERMITTED USES & SPECIAL USES	
<i>P</i> = Permitted by right <i>S</i> = Permitted with a Special Use Permit <i>*supplemental development regulations</i>	<b>A</b>
Agriculture, Forest Products & Animal Services (cont.)	
Farm Product Processing (to produce products for sale in a farm market/roadside stand)	<b>P</b>
Farm Market/Roadside stand (product grown on property under the same control) – maximum of 200 sq ft <a href="#">§7.19</a>	<b>P*</b>
Firewood Sales (Large Scale) (does not include small bundles of firewood)	<b>P</b>
Forest Products Processing (Saw Mills, Veneer Mills, Planing Mills & related operations) Mills shall be temporary not to exceed 1 year of operation.	<b>S</b>
Forestry/Forest Management (including forest harvesting & temporary log storage yards)	<b>S</b>
Grain Elevators	<b>S</b>
Kennels, Commercial; Dog Clubs	<b>S</b>
Arts, Entertainment & Recreation	
Archery Ranges (& as accessory use), Indoor	<b>S</b>
Archery Ranges (& as accessory use), Outdoor	<b>S</b>
Camps (Summer Camps)	<b>S</b>
Circus & Carnival Lots	<b>S</b>
Country Clubs	<b>S</b>
Golf Courses <a href="#">§7.22</a>	<b>P*</b>
Historic Sites	<b>P</b>

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

<b>TABLE OF PERMITTED USES &amp; SPECIAL USES</b>	
<b>P</b> = Permitted by right <b>S</b> = Permitted with a Special Use Permit *supplemental development regulations	<b>A</b>
<b>Arts, Entertainment &amp; Recreation (cont.)</b>	
Public Parks, Playgrounds, & Recreation Areas	<b>P</b>
Shooting (Firearms) Ranges/Sportsmen's Association	<b>S</b>
Snowmobile Trails	<b>S</b>
Wildlife Preserves/Forestry Preserves	<b>P</b>
Zoos (including Petting Zoos) & Animal Tours	<b>S</b>
<b>Commercial, Services &amp; Retail</b>	
Farm & Feed Supply Stores	<b>S</b>
Farm Market	<b>S</b>
Flea Market	<b>S</b>
Health Spa	<b>S</b>
Marihuana Growers §7.25	<b>P*</b>
Real estate offices (sales) in connection with a specific development for a period not more than that specified at the time the approval is granted	<b>S</b>
<b>Communications</b>	
Small Cell Wireless Facilities §7.31	<b>S*</b>
Wireless Communications Facilities with Support Structures (i.e. cell towers) §7.31	<b>S*</b>
Wireless Communications Facilities, Ground-Mounted (Earth Station or Ground Station) §7.31	<b>S*</b>
<b>Educational Services/Religion</b>	
Religious Institutions & Customary Accessory Uses	<b>P</b>
<b>Human Care &amp; Social Assistance</b>	
Adult Foster Care Family Homes (6 or less)	<b>P</b>
Adult Foster Care Small Group Home (7-12)	<b>S</b>
Adult Foster Care Large Group Home (13-20)	<b>S</b>
Assisted Living Home/Nursing Home/Convalescent Home §7.23	<b>S*</b>
Charitable Institution (ex: soup kitchen); Non-Profit Organizations	<b>S</b>
Child Care Home, Family	<b>P</b>
Child Care Home, Group	<b>S</b>
Health Care/Dental/Optical Clinics	<b>S</b>
Hospitals	<b>S</b>
State-Licensed Residential Facilities (Adult Foster Care 6 or less)	<b>P</b>

<b>TABLE OF PERMITTED USES &amp; SPECIAL USES</b>	
<b>P</b> = Permitted by right <b>S</b> = Permitted with a Special Use Permit *supplemental development regulations	<b>A</b>
<b>Manufacturing, Industrial &amp; Waste Management</b>	
Slaughterhouses	<b>S</b>
<b>Miscellaneous</b>	
Accessory Buildings & Uses Incidental to Principal Uses §3.10	<b>P*</b>
Cemeteries including Columbaria & Mausoleums (human or pet)	<b>S</b>
Planned Unit Developments §7.26	<b>S*</b>
Site Condominium Development §7.27	<b>S*</b>
Temporary Buildings (used during construction)	<b>P</b>
<b>Public Facilities</b>	
Publicly-Owned Buildings & Community Facilities	<b>S</b>
Community Centers	<b>S</b>
Correctional Facilities	<b>S</b>
Government Offices	<b>S</b>
Police/Fire Stations	<b>S</b>
Post Office	<b>S</b>
Public Works Facilities	<b>S</b>
<b>Residential Uses</b>	
Accessory Dwelling Units/Guest Houses §7.4	<b>S*</b>
Dwelling Units on same lot with Commercial	<b>S</b>
Home Occupations §7.2	<b>P*</b>
Cottage Industries §7.2	<b>S*</b>
Single-Family Dwelling	<b>P</b>
<b>Transportation, Storage &amp; Wholesale</b>	
Airports, Aviation Support Services, Heliports & Landing Fields §7.15	<b>S*</b>
Rail yards	<b>S</b>
Scenic & Sightseeing Transportation	<b>S</b>
<b>Utilities &amp; Energy</b>	
Essential Services	<b>P</b>
Essential Service Buildings or Facilities (including transformer stations & similar)	<b>S</b>
Heating & Electric Power Generating Plants	<b>S</b>
Public Utility Facilities (without storage yards)	<b>S</b>
Wind Energy Systems (On-Site) §7.30	<b>S*</b>

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

**C. Development Standards for A District.**

Principal buildings within this district shall adhere to the standards within this table unless specifically stated otherwise in this Ordinance:

**A**

**1. Lot & Structure Standards**

a. Lot Area (min.)	20 acres
b. Lot Width (min.)	200 ft
c. Building Height (max.)	50 ft
d. Dwelling Unit Size (min.) per dwelling unit	Single-Family: 720 sq ft
	Does not apply to hotel/motels, resorts, cabins courts, accessory dwelling units, hunting cabins, and similar uses.

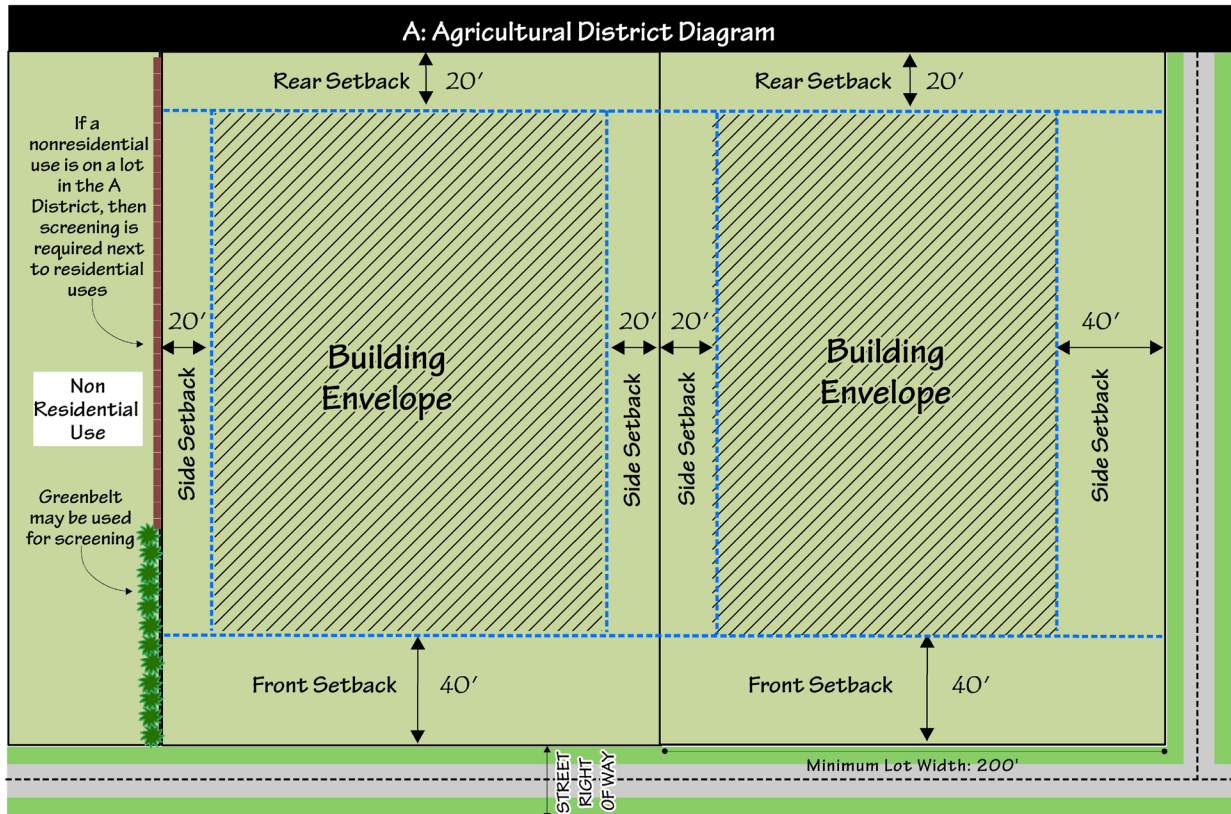
**2. Setbacks (Figure 4.9)**

a. Front (min.)	40 ft Corner lots have 2 front yards
b. Side (min.)	20 ft
c. Rear (min.)	20 ft

**3. Additional Development Standards**

a. Accessory Buildings	See <a href="#">§3.10</a> .
b. Screening	When a non-residential use abuts a residential use or district, screening is required per <a href="#">§3.23</a> . A vegetative buffer strip may be used per <a href="#">§3.23.A.2</a> .
c. Fences	See <a href="#">§3.21</a> .
d. Decks & Patios	Decks and patios shall meet principal building setbacks.
e. Signs	See <a href="#">§3.30</a> .
f. Parking	See <a href="#">§3.29</a> .
g. Waterfront Lots	On all lots abutting lakes or streams, no building or structure, except boathouses, landing ramps, and docks, shall be erected less than 75 ft from the ordinary high water mark, PROVIDED, that no boathouse, landing ramp, or dock shall be erected less than 10 ft from any side lot lines, and no boathouse shall exceed 12 ft in height above said water level. See <a href="#">Figure 4.3</a> . A waterfront greenbelt shall be maintained pursuant to <a href="#">Section 3.20</a> .  See <a href="#">Section 7.21: Waterfront Development Density Limitations</a> .

Figure 4.9



<b>1</b> Purpose	<b>2</b> Definitions	<b>3</b> General Provisions	<b>4</b> District Regulations	<b>5</b> Site Plan Review & Plot Plans
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**Section 4.10 Commercial District (C)**



**A. Intent.**

The intent for establishing this district is to provide for the continuation of and enhancement of an existing commercial area and a development of a new commercial area. This district typically accommodates those retail and business activities that cater to the needs of the permanent residents and tourists of the area.

**B. Uses Allowed.**

Permitted and Special Uses shall be limited to those listed below (also in [Section 4.14: Full Table of Permitted Uses and Special Uses](#)) and shall be subject to all applicable provisions of [Article 5: Site Plan Review and Plot Plans](#), [Article 6: Special Use Review](#), and [Article 7: Supplemental Regulations](#).

TABLE OF PERMITTED USES & SPECIAL USES	
<i>P</i> = Permitted by right <i>S</i> = Permitted with a Special Use Permit <i>*</i> supplemental development regulations	<b>C</b>
Accommodation & Food/Event Services	
Bakeries, Coffee Shops, Confectioneries & Ice Cream Shops	<b>P</b>
Bars/Taverns	<b>P</b>
Cabin Courts (or Cabin Complex)	<b>P</b>
Caterers/Food Service Contractors	<b>P</b>
Commercial Event Facilities (including Convention Centers, Conference Centers, Banquet Halls, Wedding Venues <a href="#">§7.24</a> )	<b>P*</b>
Food Trucks <a href="#">§7.11</a>	<b>P*</b>
Hotels & Motels	<b>P</b>
Inns (Lodging Units within Restaurant serving meals to the public)	<b>P</b>
Microbreweries & Distilleries (serving directly to the public & (including accessory uses such as tasting rooms))	<b>P</b>
Night Clubs	<b>P</b>
Restaurants <a href="#">§7.7</a>	<b>P*</b>
Rooming Houses/Boarding Houses	<b>P</b>
Wineries & Cider Mills (including accessory uses such as tasting rooms)	<b>P</b>
Agriculture, Forest Products & Animal Services	
Agricultural Products Processing & Storage (excluding concentrated animal feeding operations)	<b>P</b>
Animal Shelter/Animal Rescue Facility <a href="#">§7.10</a>	<b>P*</b>
Dog Grooming Establishments	<b>P</b>

TABLE OF PERMITTED USES & SPECIAL USES	
<i>P</i> = Permitted by right <i>S</i> = Permitted with a Special Use Permit <i>*</i> supplemental development regulations	<b>C</b>
Agriculture, Forest Products & Animal Services (cont.)	
Farm Market/Roadside stand (product grown on property under the same control) <a href="#">§7.19</a>	<b>P*</b>
Farm Product Sales (Fruit/Vegetable Market) – (product <u>not</u> grown on property under the same control)	<b>P</b>
Greenhouse; Nursery; Landscaping Establishments	<b>P</b>
Veterinary Clinic/Animal Hospital <a href="#">§7.10</a>	<b>P*</b>
Arts, Entertainment & Recreation	
Archery Ranges (& as accessory use), Indoor	<b>P</b>
Archery Ranges (& as accessory use), Outdoor	<b>P</b>
Art Galleries & Art Studios	<b>P</b>
Campgrounds (at least 10 acres) <a href="#">§7.5</a>	<b>S*</b>
Camps (Summer Camps)	<b>P</b>
Canoe/Kayak/Boat Liveries	<b>P</b>
Circus & Carnival Lots	<b>P</b>
Equipment Rental, Motorized (ORV, Snowmobile)	<b>P</b>
Equipment Rental, Non-Motorized (Outfitter)	<b>P</b>
Fitness & Recreational Sports (ex: health clubs, gym, pool, tennis)	<b>P</b>
Golf Driving Ranges	<b>P</b>
Historic Sites	<b>P</b>
Indoor Commercial Recreation Facility (ex - bowling alleys, billiards halls, arcades, skating.)	<b>P</b>
Marinas (Public/private)	<b>P</b>

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

<b>TABLE OF PERMITTED USES &amp; SPECIAL USES</b>	
<i>P</i> = Permitted by right <i>S</i> = Permitted with a Special Use Permit *supplemental development regulations	<b>C</b>
<b>Arts, Entertainment &amp; Recreation (cont.)</b>	
Museums	<b>P</b>
Nature Parks/Nature Areas	<b>P</b>
Outdoor Commercial Recreational Facility (ex – go karts; miniature golf; disc golf)	<b>P</b>
Outdoor Theaters & Performance Facilities	<b>P</b>
Private Clubs; Lodges; Fraternal Organizations	<b>P</b>
Race Tracks	<b>P</b>
Theaters/Performing Arts Facilities, Indoor	<b>P</b>
Theaters, Drive-In <a href="#">§7.16</a>	<b>P*</b>
Tours (Commercial Operations)	<b>P</b>
<b>Commercial, Services &amp; Retail</b>	
Auto Repair; Auto Body/Paint/Interior & Glass <a href="#">§7.9</a>	<b>p*</b>
Automotive Oil Change <a href="#">§7.9</a>	<b>P*</b>
Automotive Tire Sales & Installation <a href="#">§7.9</a>	<b>P*</b>
Automobile Towing Businesses	<b>P</b>
Banks/Financial Institutions <a href="#">§7.7</a>	<b>P*</b>
Boat/RV/Recreational Equip. Repair & Storage	<b>P</b>
Building & Garden Equip. & Supplies Dealers	<b>P</b>
Business Incubator (Food Incubator listed under Manufacturing)	<b>P</b>
Business Services & Computer Repair	<b>P</b>
Car Washes <a href="#">§7.6</a>	<b>P*</b>
Cash Advance Stores	<b>P</b>
Cleaning Services	<b>P</b>
Commercial Equipment Repair & Maintenance	<b>P</b>
Data Processing & Computer Centers	<b>P</b>
Electronic & Precision Equipment Repair & Maintenance	<b>P</b>
Equipment Rental & Sales	<b>P</b>
Extermination & Pest Control Services	<b>P</b>
Film Production Facilities including sound stages & other related activities	<b>P</b>
Fix-It Shops	<b>P</b>
Flea Market	<b>S</b>
Funeral Homes & Mortuaries	<b>P</b>
Furniture Refinishing (Upholsterers)/Furniture Repair	<b>P</b>

<b>TABLE OF PERMITTED USES &amp; SPECIAL USES</b>	
<i>P</i> = Permitted by right <i>S</i> = Permitted with a Special Use Permit *supplemental development regulations	<b>C</b>
<b>Commercial, Services &amp; Retail (cont.)</b>	
Health Spa	<b>P</b>
Gas Stations <a href="#">§7.9</a>	<b>S*</b>
General Rental Centers	<b>P</b>
Interior Designers/Showrooms	<b>P</b>
Laboratories, Medical/Dental	<b>P</b>
Laundromat & Dry Cleaning Establishments	<b>S</b>
Locksmiths	<b>P</b>
Lumber Yards (pre-planed, finished lumber)/Building Material Sales	<b>S</b>
Manufactured Home Dealers (& Service)	<b>S</b>
Movie Rental Stores	<b>P</b>
Offices, Professional	<b>P</b>
Outdoor Sales/Rental of automobiles, trucks, motorcycles, ATVs, marine craft, farm implements, contractor's equipment, recreational equipment INCLUDING service	<b>S</b>
Pawn Shops	<b>P</b>
Personal Services (ex - beauty shops, tailoring, massage therapy, tanning)	<b>P</b>
Photofinishing/Photographers	<b>P</b>
Printing/Binding/Publishing of Print Material	<b>P</b>
Recording Studios	<b>P</b>
Real estate offices (sales) in connection with a specific development for a period not more than that specified at the time the approval is granted	<b>P</b>
Retail Sales <a href="#">§7.7</a> (see <a href="#">§4.14</a> for details)	<b>P*</b>
Seasonal Sales/Transient Sales	<b>P</b>
Sexually Oriented Businesses <a href="#">§7.13</a>	<b>S*</b>
Small Engine Repair	<b>P</b>
Small-Scale Craft Making	<b>P</b>
Studios for dance, physical exercise & music	<b>P</b>
Tattoo & Body Piercing Studios	<b>P</b>
Taxidermy Shops	<b>P</b>
<b>Communications</b>	
Small Cell Wireless Facilities <a href="#">§7.31</a>	<b>S*</b>
Television/Radio Broadcasting Stations	<b>S</b>
Wireless Communications Facilities with Support Structures (i.e. cell towers) <a href="#">§7.31</a>	<b>S*</b>

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

<b>TABLE OF PERMITTED USES &amp; SPECIAL USES</b>	
<b>P</b> = Permitted by right <b>S</b> = Permitted with a Special Use Permit *supplemental development regulations	<b>C</b>
Communications	
Wireless Communications Facilities, Ground-Mounted (Earth Station or Ground Station) §7.31	<b>S*</b>
Contractors	
Special Trade Contractors Offices & Showrooms – with or without outdoor storage (construction, electrical, plumbing, heating, excavation, well-drilling, etc)	<b>P</b>
Educational Services/Religion	
Business Schools, Vocational Schools & Trade Schools	<b>P</b>
Colleges/Universities	<b>P</b>
Human Care & Social Assistance	
Adult Day Care Facility (6 or less adults) – IN PRIVATE HOME	<b>P</b>
Adult Day Care Facility (greater than 6 adults) – IN PRIVATE HOME	<b>P</b>
Adult Day Care Facility NOT IN PRIVATE HOME	<b>P</b>
Adult Foster Care Small Group Home (7-12)	<b>P</b>
Adult Foster Care Large Group Home (13-20)	<b>P</b>
Adult Foster Care Congregate Facilities (over 20)	<b>P</b>
Child Care Center/Nursery School (not in home)	<b>P</b>
Child Caring Institution	<b>P</b>
Rehabilitation Institutions	<b>P</b>
Residential Human Care & Treatment Facility (not in a residence)	<b>P</b>
Manufacturing, Industrial & Waste Management	
Accessory Uses incidental to Manufacturing (offices, foods services, caretaker buildings)	<b>P</b>
Food Hub Facility/Food Incubator Facility	<b>P</b>
Printing, Lithographic & Blueprinting	<b>P</b>
Sign Shop	<b>S</b>
Miscellaneous	
Accessory Buildings & Uses Incidental to Principal Uses §3.10	<b>P*</b>
Mixed Uses (Commercial/Residential in one building or on one lot where both uses are the principal use)	<b>P</b>
Planned Unit Developments §7.26	<b>S*</b>
Temporary Buildings (used during construction)	<b>P</b>

<b>TABLE OF PERMITTED USES &amp; SPECIAL USES</b>	
<b>P</b> = Permitted by right <b>S</b> = Permitted with a Special Use Permit *supplemental development regulations	<b>C</b>
Public Facilities	
Publicly-Owned Buildings & Community Facilities	<b>P</b>
Community Centers	<b>P</b>
Government Offices	<b>P</b>
Libraries	<b>P</b>
Police/Fire Stations	<b>P</b>
Post Office	<b>P</b>
Public Works Facilities	<b>P</b>
Residential Uses	
Dwelling Units on same lot with Commercial	<b>P</b>
Home Occupations §7.2	<b>P*</b>
Cottage Industries §7.2	<b>S*</b>
(Home occupations & Cottage Industries allowed in existing residential or in dwelling units on lots with commercial)	
Transportation, Storage & Wholesale	
Airports, Aviation Support Services, Heliports & Landing Fields §7.15	<b>S*</b>
Couriers/Parcel Packing/Shipping/ Delivery Establishments/Mail Order Establishments	<b>P</b>
Drone (Unmanned Aerial) Centers	<b>P</b>
Distribution Centers/Freight Terminals/Trucking Facilities	<b>P</b>
Marinas, Port & Dock Facilities	<b>P</b>
Rail yards	<b>S</b>
Scenic & Sightseeing Transportation	<b>S</b>
Transit Facilities (including bus garages/stations)	<b>P</b>
Truck Rental Facilities	<b>P</b>
Truck Washes	<b>S</b>
Wholesale Businesses	<b>P</b>
Utilities & Energy	
Essential Services	<b>P</b>
Essential Service Buildings or Facilities (including transformer stations & similar)	<b>S</b>
Public Utility Facilities (without storage yards)	<b>S</b>
Public Utility Facilities (with storage yards)	<b>S</b>
Wind Energy Systems (On-Site) §7.30	<b>S*</b>

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

**C. Development Standards for C District.**

Principal buildings within this district shall adhere to the standards within this table unless specifically stated otherwise in this Ordinance:



**1. Lot & Structure Standards**

a. Lot Area (min.)	12,000 sq ft
b. Lot Width (min.)	100 ft
c. Building Height (max.)	35 ft
d. Dwelling Unit Size (min.) per dwelling unit	None

**2. Setbacks (Figure 4.10)**

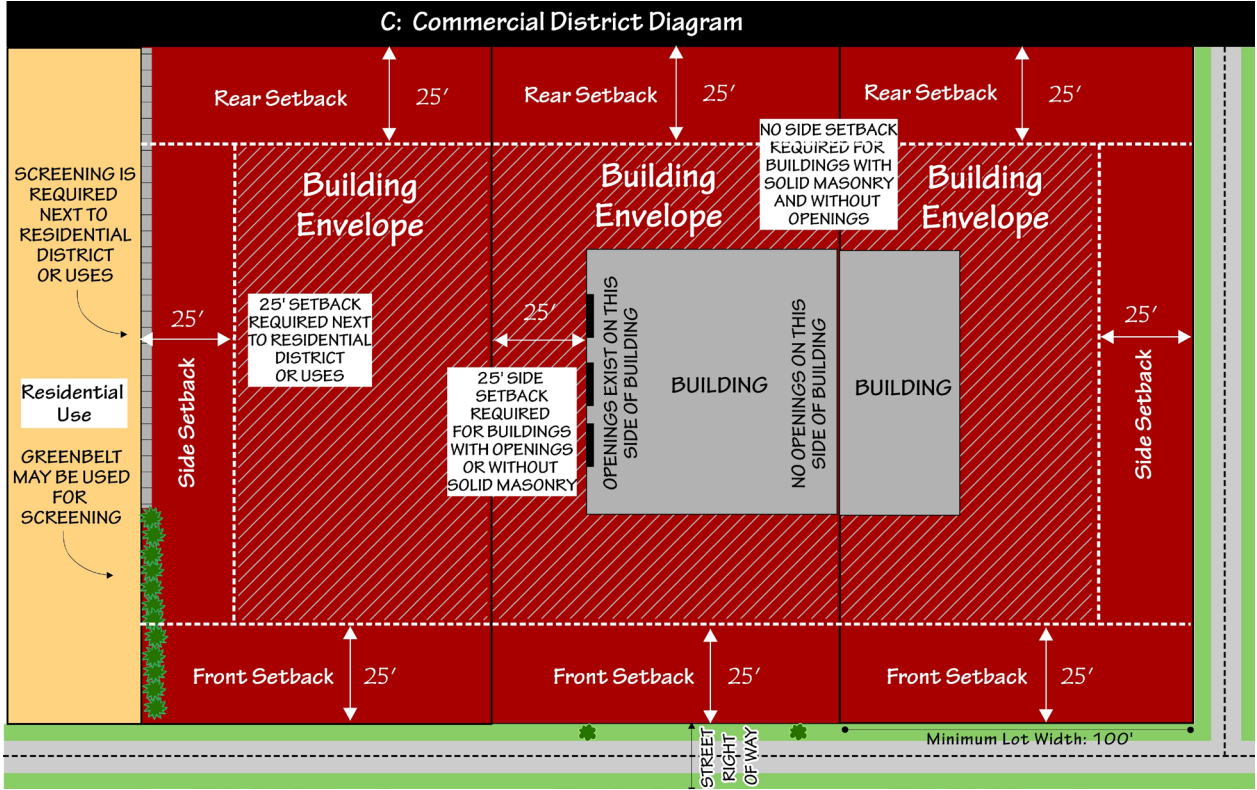
a. Front (min.)	25 ft Corner lots have 2 front yards
b. Side (min.)	For interior site lot lines, no open side yard shall be required when walls abutting a side lot line are solid masonry and wholly without openings.  If the wall abutting an interior side lot line is not solid masonry and/or has openings, then a side setback of 25 feet shall be required.  25 ft - where any adjacent lot is occupied or zoned for dwelling
c. Rear (min.)	25 ft

**3. Additional Development Standards**

a. Accessory Buildings	See <a href="#">§3.10</a> .
b. Screening	When a non-residential use abuts a residential use or district, screening is required per <a href="#">§3.23</a> . A vegetative buffer strip may be used per <a href="#">§3.23.A.2</a> .
c. Fences	See <a href="#">§3.21</a> .
d. Decks & Patios	Decks and patios shall meet principal building setbacks.
e. Signs	See <a href="#">§3.30</a> .
f. Parking	See <a href="#">§3.29</a> .
g. Waterfront Lots	On all lots abutting lakes or streams, no building or structure, except boathouses, landing ramps, and docks, shall be erected less than 75 ft from the ordinary high water mark, PROVIDED, that no boathouse, landing ramp, or dock shall be erected less than 10 ft from any side lot lines, and no boathouse shall exceed 12 ft in height above said water level. See <a href="#">Figure 4.3</a> . A waterfront greenbelt shall be maintained pursuant to <a href="#">Section 3.20</a> .



Figure 4.10



<b>1</b> Purpose	<b>2</b> Definitions	<b>3</b> General Provisions	<b>4</b> District Regulations	<b>5</b> Site Plan Review & Plot Plans
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**Section 4.11 Industrial District (I-A)**

**I-A**

**A. Intent.**

The purpose of the Industrial Districts is to provide areas within the Township for the encouragement and conduct of industries, for processing raw materials and finished products, for storage of raw materials and industrial products, and for wholesale commercial establishments, including office facilities customarily associated with any permitted use, none of which shall constitute a nuisance to any prior existing permitted use of any adjacent premises. The intent of the Industrial-A District is to provide for a variety of light industries of similar character.

**B. Uses Allowed.**

Permitted and Special Uses shall be limited to those listed below (also in [Section 4.14: Full Table of Permitted Uses and Special Uses](#)) and shall be subject to all applicable provisions of [Article 5: Site Plan Review and Plot Plans](#), [Article 6: Special Use Review](#), and [Article 7: Supplemental Regulations](#).

TABLE OF PERMITTED USES & SPECIAL USES	
<i>P = Permitted by right</i> <i>S = Permitted with a Special Use Permit</i> <i>*supplemental development regulations</i>	I-A
Arts, Entertainment & Recreation	
Historic Sites	P
Commercial, Services & Retail	
Marihuana Growers §7.25	P*
Outdoor Sales/Rental of automobiles, trucks, motorcycles, ATVs, marine craft, farm implements, contractor's equipment, recreational equipment INCLUDING service	P
Educational Services/Religion	
Business Schools, Vocational Schools & Trade Schools	P
Colleges/Universities	P
Manufacturing, Industrial & Waste Management	
Manufacturing, Light – including the production, processing, cleaning, testing, & distribution of materials, goods, foodstuffs, & products. <i>Light Manufacturing are those industries in which the modes of operation of the industry have no external effects &amp; do not directly affect nearby development. External effects shall include but are not limited to air contaminants, blown material, odor, noise, glare, gasses, electrical disturbance, heat, &amp; vibration.</i>	S
Accessory Uses incidental to Manufacturing (offices, foods services, caretaker buildings)	P

TABLE OF PERMITTED USES & SPECIAL USES	
<i>P = Permitted by right</i> <i>S = Permitted with a Special Use Permit</i> <i>*supplemental development regulations</i>	I-A
Manufacturing, Industrial & Waste Management (cont.)	
Bulk Storage &/or Distribution of Flammable or Hazardous Materials/Bulk Station	S
Central Dry Cleaning Plants & Laundries (not dealing directly with customers)	S
Cold Storage Plants	S
Crematoriums	S
Food Hub Facility/Food Incubator Facility	P
Gas & Oil Processing Facilities/Refinery §7.8	S*
Incinerator Plant	S
Industrial Parks (planned)	S
Machine Shops	P
Metal Plating/Buffering/Polishing/Cutting/Slitting/Shearing	S
Mineral Processing Facilities & Operations	S
Printing, Lithographic & Blueprinting	S
Research/Design/Experimental Product Development	S
Slaughterhouses	S
Tin Shops or Plumbing Supply Shops	P
Tool & Die Shops	P

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

<b>TABLE OF PERMITTED USES &amp; SPECIAL USES</b>	
<b>P</b> = Permitted by right <b>S</b> = Permitted with a Special Use Permit *supplemental development regulations	<b>I-A</b>
<b>Miscellaneous</b>	
Temporary Buildings (used during construction)	<b>P</b>
<b>Transportation, Storage &amp; Wholesale</b>	
Couriers/Parcel Packing/Shipping/ Delivery Establishments/Mail Order Establishments	<b>P</b>
Drone (Unmanned Aerial) Centers	<b>P</b>
Distribution Centers/Freight Terminals/Trucking Facilities	<b>P</b>
Marinas, Port & Dock Facilities	<b>P</b>
Rail yards	<b>S</b>
Scenic & Sightseeing Transportation	<b>S</b>
Storage including Self-Storage Facilities/Mini-Storage	<b>P</b>
Truck Repair/Truck Terminal Maintenance	<b>P</b>
Truck Washes	<b>P</b>
Warehousing	<b>P</b>
Wholesale Businesses	<b>P</b>
<b>Utilities &amp; Energy</b>	
Essential Services	<b>P</b>
Essential Service Buildings or Facilities (including transformer stations & similar)	<b>S</b>
Heating & Electric Power Generating Plants	<b>S</b>
Public Utility Facilities (without storage yards)	<b>S</b>
Public Utility Facilities (with storage yards)	<b>S</b>
Solar Energy Facility (Utility-Scale) <b>§7.29</b>	<b>S*</b>
Wind Energy Systems & Anemometer Towers (Utility-Scale) <b>§7.30</b>	<b>S*</b>
Wind Energy Systems (On-Site) <b>§7.30</b>	<b>S*</b>

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

C. Development Standards for I-A District.

Principal buildings within this district shall adhere to the standards within this table unless specifically stated otherwise in this Ordinance:

I-A

**1. Lot & Structure Standards**

a. Lot Area (min.)	Single Industry: 1 acre Industrial Park: 20 acres
b. Lot Width (min.)	None
c. Building Height (max.)	40 ft

**2. Setbacks (Figure 4.11)**

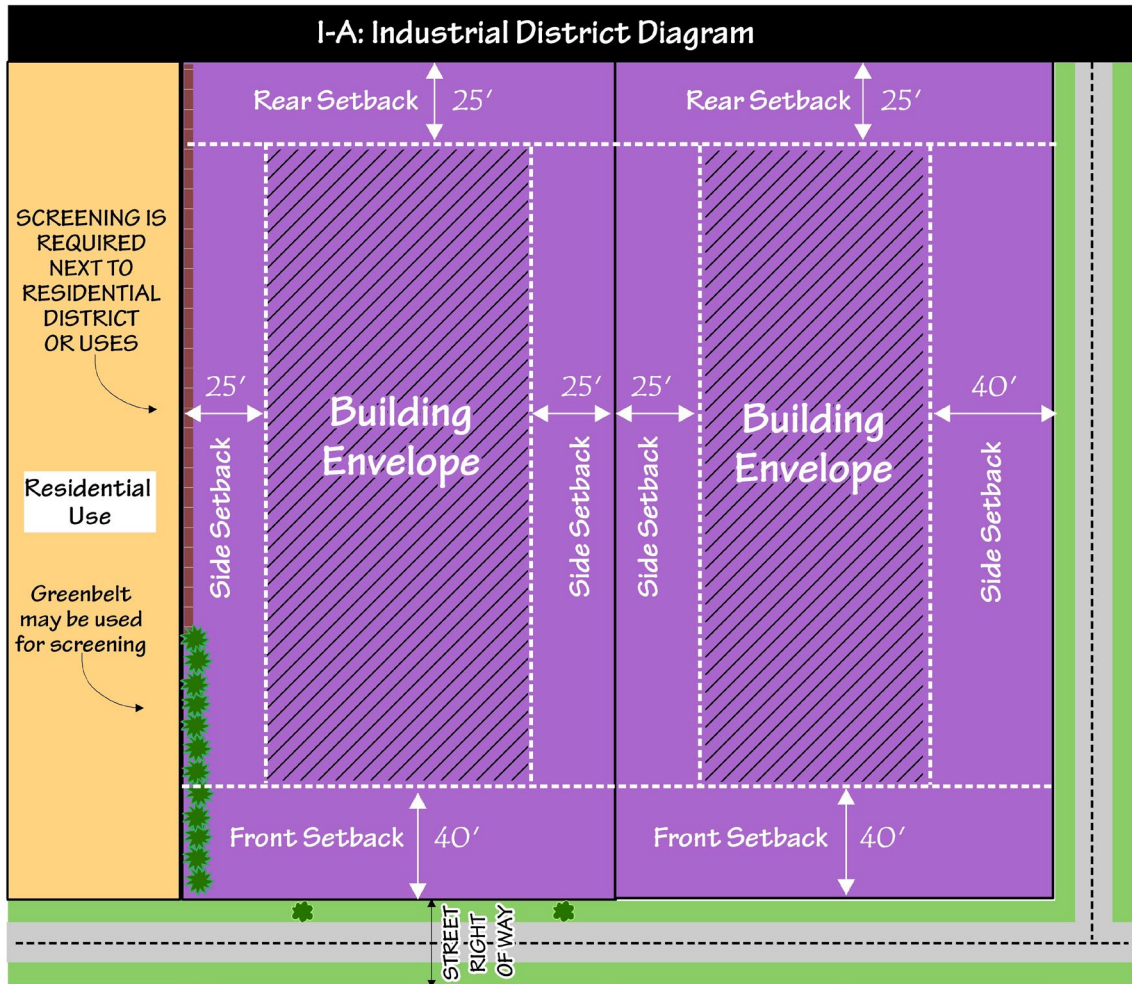
a. Front (min.)	40 ft Corner lots have 2 front yards
b. Side (min.)	25 ft
c. Rear (min.)	25 ft

**3. Additional Development Standards**

a. Accessory Buildings	See §3.10.
b. Screening	When a non-residential use abuts a residential use or district, screening is required per §3.23. A vegetative buffer strip may be used per §3.23.A.2.
c. Fences	See §3.21.
d. Decks & Patios	Decks and patios shall meet principal building setbacks.
e. Signs	See §3.30.
f. Parking	See §3.29.
g. Waterfront Lots	On all lots abutting lakes or streams, no building or structure, except boathouses, landing ramps, and docks, shall be erected less than 75 ft from the ordinary high water mark, PROVIDED, that no boathouse, landing ramp, or dock shall be erected less than 10 ft from any side lot lines, and no boathouse shall exceed 12 ft in height above said water level. See Figure 4.3. A waterfront greenbelt shall be maintained pursuant to Section 3.20.
h. Performance Standards	<p>All property uses in the Industrial-A District shall be subject to the following applicable conditions:</p> <ol style="list-style-type: none"> <li><b>Uses of Buildings and Structures.</b> In general, all operations shall be conducted within enclosed buildings; exterior yard storage shall be screened on sides and rear by a solid uniformly finished and maintained wooden or masonry wall or fence of durable material each of which shall be not less in height than the enclosed storage materials, a minimum of 6 feet height. No front yard shall be used for parking, storage, loading activities, or accessory structures except landscaping.</li> <li><b>Offensive and Hazardous Emissions.</b> No use shall discharge any product dust, smoke, odorous matter, noxious or toxic fumes, physical vibration, heat, or glare beyond the boundaries of the premises. No noise created from any use shall exceed the level of ordinary conversation at the boundary of the premises.</li> </ol>

- 3. **Operating Conditions.** Application for a zoning permit shall be accompanied by a written statement of the property owner on the effects of the operations on traffic, water and air pollution, noise and glare conditions, fire and safety hazards, emission of dangerous or obnoxious matter, and the proposed treatment of any such conditions to maintain the same within the limitations of the Ordinance. It shall show the plans for the disposal of sewage and all industrial wastes. It shall specify the fuels to be used, including smoke and pollution control, which shall meet or exceed quality standards, established by the State.
- 4. **Operational Hours.** Operating hours may be established by the Planning Commission.

**Figure 4.11**



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

**Section 4.12 Industrial District (I-B)**

**I-B**

**A. Intent.**

The purpose of the Industrial Districts is to provide areas within the Township for the encouragement and conduct of industries, for processing raw materials and finished products, for storage of raw materials and industrial products, and for wholesale commercial establishments, including office facilities customarily associated with any permitted use, none of which shall constitute a nuisance to any prior existing permitted use of any adjacent premises. The intent of the Industrial-B District is to provide for heavy industrial uses and those industries that may be found undesirable if placed in other areas due to noise and/or excessive heavy truck traffic.

**B. Uses Allowed.**

Permitted and Special Uses shall be limited to those listed below (also in [Section 4.14: Full Table of Permitted Uses and Special Uses](#)) and shall be subject to all applicable provisions of [Article 5: Site Plan Review and Plot Plans](#), [Article 6: Special Use Review](#), and [Article 7: Supplemental Regulations](#).

TABLE OF PERMITTED USES & SPECIAL USES	
<i>P = Permitted by right</i> <i>S = Permitted with a Special Use Permit</i> <i>*supplemental development regulations</i>	<b>I-B</b>
Agriculture, Forest Products & Animal Services	
Bulk Seed, Feed, Fertilizer & Nursery Stock Outlet & Distribution Centers (including Wholesale)	<b>S</b>
Forest Products Processing (Saw Mills, Veneer Mills, Planing Mills & related operations)	<b>P</b>
Forestry/Forest Management (including forest harvesting & temporary log storage yards)	<b>P</b>
Arts, Entertainment & Recreation	
Historic Sites	<b>P</b>
Commercial, Services & Retail	
Outdoor Sales/Rental of automobiles, trucks, motorcycles, ATVs, marine craft, farm implements, contractor's equipment, recreational equipment INCLUDING service	<b>P</b>
Manufacturing, Industrial & Waste Management	
Manufacturing, Light – including the production, processing, cleaning, testing, & distribution of materials, goods, foodstuffs, & products. <b>Light Manufacturing are those industries in which the modes of operation of the industry have no external effects &amp; do not directly affect nearby development. External effects shall include but are not limited to air contaminants, blown material, odor, noise, glare, gasses, electrical disturbance, heat, &amp; vibration.</b>	<b>S</b>

TABLE OF PERMITTED USES & SPECIAL USES	
<i>P = Permitted by right</i> <i>S = Permitted with a Special Use Permit</i> <i>*supplemental development regulations</i>	<b>I-B</b>
Manufacturing, Industrial & Waste Management (cont.)	
Manufacturing, Heavy – including the production, processing, cleaning, testing, & distribution of materials, goods, foodstuffs, & products. <b>Heavy Manufacturing are those industries in which the modes of operation of the industry do have external effects &amp; may directly affect nearby development. External effects shall include but are not limited to air contaminants, blown material, odor, noise, glare, gasses, electrical disturbance, heat, &amp; vibration.</b>	<b>S</b>
Accessory Uses incidental to Manufacturing (offices, foods services, caretaker buildings)	<b>P</b>
Bulk Storage &/or Distribution of Flammable or Hazardous Materials/Bulk Station	<b>P</b>
Foundries	<b>P</b>
Gas & Oil Processing Facilities/Refinery <a href="#">§7.8</a>	<b>P*</b>
Incinerator Plant	<b>S</b>
Industrial Parks (planned)	<b>S</b>
Junkyards/Salvage Yards/Scrap Yards/Motor Vehicle Impoundment & Wrecking Yards <a href="#">§7.20</a>	<b>S*</b>
Machine Shops	<b>P</b>
Metal Plating/Buffering/Polishing/Cutting/Slitting/Shearing	<b>S</b>
Mineral Processing Facilities & Operations	<b>S</b>
Printing, Lithographic & Blueprinting	<b>S</b>

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

<b>TABLE OF PERMITTED USES &amp; SPECIAL USES</b>	
<b>P</b> = Permitted by right <b>S</b> = Permitted with a Special Use Permit <i>*supplemental development regulations</i>	<b>I-B</b>
<b>Manufacturing, Industrial &amp; Waste Management (cont.)</b>	
Ready-Mix Concrete & Asphalt Plants, & Similar Uses	<b>P</b>
Research/Design/Experimental Product Development	<b>S</b>
Slaughterhouses	<b>S</b>
Tin Shops or Plumbing Supply Shops	<b>P</b>
Tool & Die Shops	<b>P</b>
Waste Collection Facilities; Recycling facilities/Resource Recovery Facilities; Solid Waste Transfer Stations	<b>S</b>
<b>Miscellaneous</b>	
Temporary Buildings (used during construction)	<b>P</b>
<b>Transportation, Storage &amp; Wholesale</b>	
Drone (Unmanned Aerial) Centers	<b>P</b>
Rail yards	<b>S</b>
Scenic & Sightseeing Transportation	<b>S</b>
Storage including Self-Storage Facilities/Mini-Storage	<b>P</b>
Truck Repair/Truck Terminal Maintenance	<b>P</b>
Truck Washes	<b>P</b>
Warehousing	<b>P</b>
<b>Utilities &amp; Energy</b>	
Essential Services	<b>P</b>
Essential Service Buildings or Facilities (including transformer stations & similar)	<b>S</b>
Heating & Electric Power Generating Plants	<b>S</b>
Public Utility Facilities (without storage yards)	<b>S</b>
Public Utility Facilities (with storage yards)	<b>S</b>
Solar Energy Facility (Utility-Scale) <b>§7.29</b>	<b>S*</b>
Wind Energy Systems & Anemometer Towers (Utility-Scale) <b>§7.30</b>	<b>S*</b>
Wind Energy Systems (On-Site) <b>§7.30</b>	<b>S*</b>

C. Development Standards for I-B District.

Principal buildings within this district shall adhere to the standards within this table unless specifically stated otherwise in this Ordinance:

I-B

**1. Lot & Structure Standards**

a. Lot Area (min.)	Single Industry: 1 acre Industrial Park: 20 acres
b. Lot Width (min.)	None
c. Building Height (max.)	40 ft

**2. Setbacks (Figure 4.12)**

a. Front (min.)	40 ft Corner lots have 2 front yards
b. Side (min.)	25 ft
c. Rear (min.)	25 ft

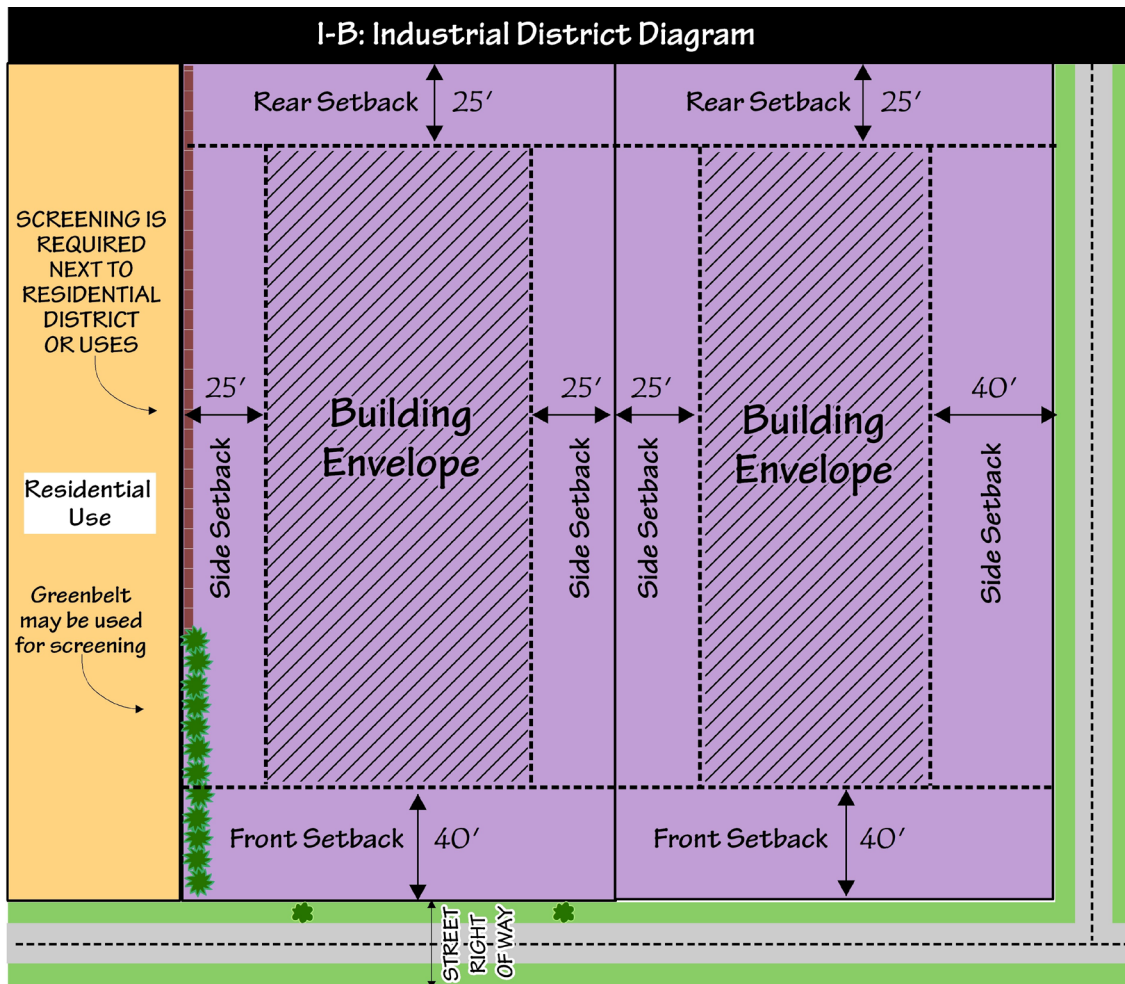
**3. Additional Development Standards**

a. Accessory Buildings	See §3.10.
b. Screening	When a non-residential use abuts a residential use or district, screening is required per §3.23. A vegetative buffer strip may be used per §3.23.A.2.
c. Fences	See §3.21.
d. Decks & Patios	Decks and patios shall meet principal building setbacks.
e. Signs	See §3.30.
f. Parking	See §3.29.
g. Waterfront Lots	On all lots abutting lakes or streams, no building or structure, except boathouses, landing ramps, and docks, shall be erected less than 75 ft from the ordinary high water mark, PROVIDED, that no boathouse, landing ramp, or dock shall be erected less than 10 ft from any side lot lines, and no boathouse shall exceed 12 ft in height above said water level. See Figure 4.3. A waterfront greenbelt shall be maintained pursuant to Section 3.20.
i. Performance Standards	All property uses in the Industrial-B District shall be subject to the following applicable conditions:  1. <b>Uses of Buildings and Structures.</b> In general, all operations shall be conducted within enclosed buildings; exterior yard storage shall be screened on sides and rear by a solid uniformly finished and maintained wooden or masonry wall or fence of durable material each of which shall be not less in height than the enclosed storage materials, a minimum of 6 feet height. No front yard shall be used for parking, storage, loading activities, or accessory structures except landscaping.  2. <b>Offensive and Hazardous Emissions.</b> No use shall discharge any product dust, smoke, odorous matter, noxious or toxic fumes, physical vibration, heat, or glare beyond the boundaries of the premises. No noise created from any use shall exceed the level of ordinary conversation at the boundary of the premises.



- 3. **Operating Conditions.** Application for a zoning permit shall be accompanied by a written statement of the property owner on the effects of the operations on traffic, water and air pollution, noise and glare conditions, fire and safety hazards, emission of dangerous or obnoxious matter, and the proposed treatment of any such conditions to maintain the same within the limitations of the Ordinance. It shall show the plans for the disposal of sewage and all industrial wastes. It shall specify the fuels to be used, including smoke and pollution control, which shall meet or exceed quality standards, established by the State.
- 4. **Operational Hours.** Operating hours may be established by the Planning Commission.

**Figure 4.12**



**Section 4.13 Extractive District (E)**

**E**

**A. Intent.**

This district is designed for those uses which from time to time must make use of the land to provide such materials as sand, gravel, top soil, etc., which can only be secured by the use of natural properties in the area.

**B. Uses Allowed.**

Permitted and Special Uses shall be limited to those listed below (also in [Section 4.14: Full Table of Permitted Uses and Special Uses](#)) and shall be subject to all applicable provisions of [Article 5: Site Plan Review and Plot Plans](#), [Article 6: Special Use Review](#), and [Article 7: Supplemental Regulations](#).

<b>TABLE OF PERMITTED USES &amp; SPECIAL USES</b>	
<i>P = Permitted by right</i>	<b>E</b>
<i>S = Permitted with a Special Use Permit</i> <i>*supplemental development regulations</i>	
<b>Arts, Entertainment &amp; Recreation</b>	
Historic Sites	<b>P</b>
<b>Manufacturing, Industrial &amp; Waste Management</b>	
Accessory Uses incidental to Manufacturing (offices, foods services, caretaker buildings)	<b>P</b>
Mineral Processing Facilities & Operations	<b>S</b>
Mining/Resource Extraction (incl sand, gravel, rock & mineral extraction; sod farming; borrow pits) <a href="#">§7.14</a>	<b>P*</b>
<b>Miscellaneous</b>	
Temporary Buildings (used during construction)	<b>P</b>
<b>Transportation, Storage &amp; Wholesale</b>	
Rail yards	<b>S</b>
<b>Utilities &amp; Energy</b>	
Essential Services	<b>P</b>
Essential Service Buildings or Facilities (including transformer stations & similar)	<b>S</b>
Public Utility Facilities (with or without storage yards)	<b>S</b>
Wind Energy Systems (On-Site) <a href="#">§7.30</a>	<b>S*</b>

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

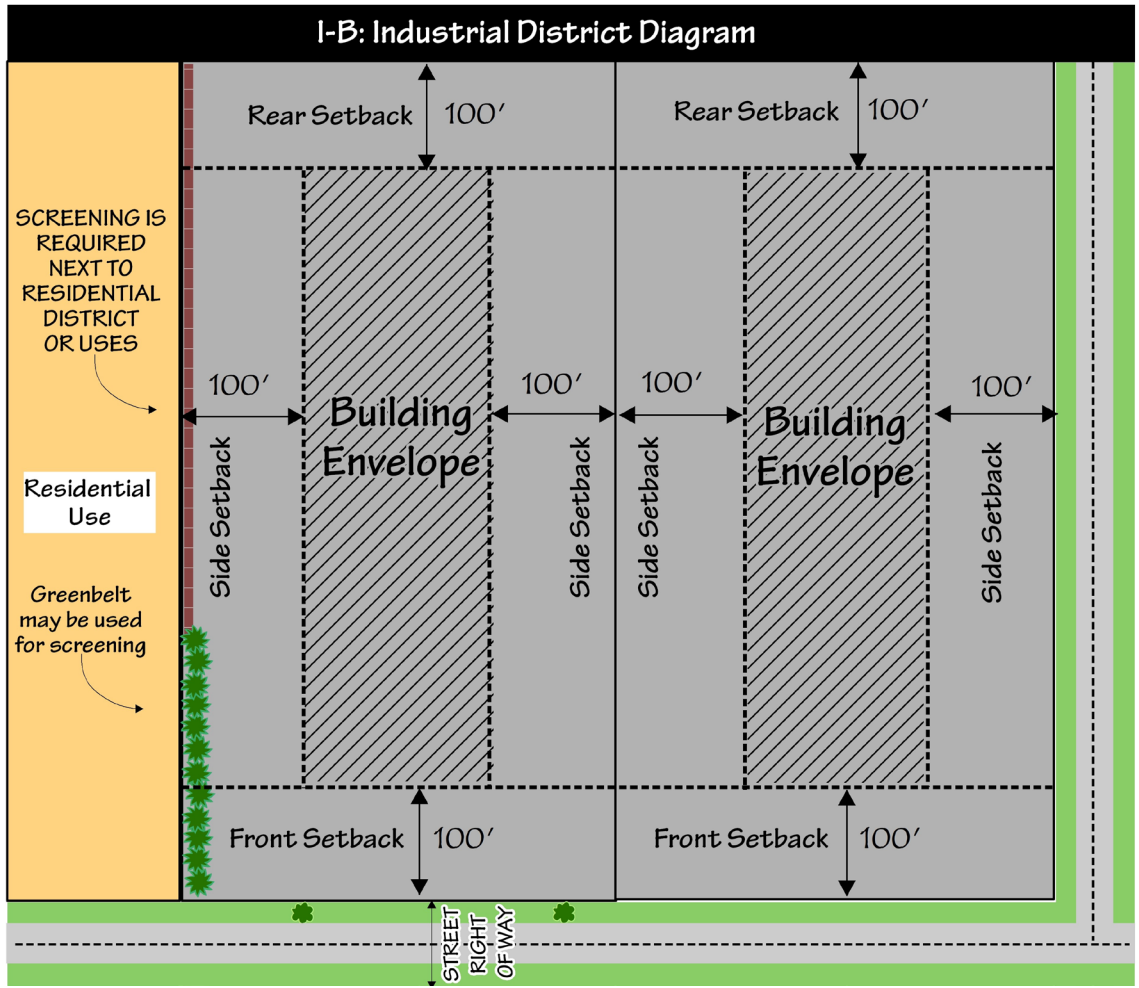
**C. Development Standards for E District.**

Principal buildings within this district shall adhere to the standards within this table unless specifically stated otherwise in this Ordinance:

**E**

<b>1. Lot &amp; Structure Standards</b>	
a. Lot Area (min.)	40 acres for all uses besides Mining/Resource Extraction (incl sand, gravel, rock & mineral extraction; sod farming; borrow pits)
b. Lot Width (min.)	None
c. Building Height (max.)	None
<b>2. Setbacks (Figure 4.13)</b>	
a. Front (min.)	100 ft Corner lots have 2 front yards
b. Side (min.)	100 ft
c. Rear (min.)	100 ft
<b>3. Additional Development Standards</b>	
a. Accessory Buildings	See <a href="#">§3.10</a> .
b. Screening	When a non-residential use abuts a residential use or district, screening is required per <a href="#">§3.23</a> . A vegetative buffer strip may be used per <a href="#">§3.23.A.2</a> .
c. Fences	See <a href="#">§3.21</a> .
d. Decks & Patios	Decks and patios shall meet principal building setbacks.
e. Signs	See <a href="#">§3.30</a> .
f. Parking	See <a href="#">§3.29</a> .
g. Waterfront Lots	On all lots abutting lakes or streams, no building or structure, except boathouses, landing ramps, and docks, shall be erected less than 75 ft from the ordinary high water mark, PROVIDED, that no boathouse, landing ramp, or dock shall be erected less than 10 ft from any side lot lines, and no boathouse shall exceed 12 ft in height above said water level. See <a href="#">Figure 4.3</a> . A waterfront greenbelt shall be maintained pursuant to <a href="#">Section 3.20</a> .

Figure 4.13



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

**Section 4.14 Full Table of Permitted Uses & Special Uses**

Permitted and Special Uses shall be limited to those listed in the following Table of Permitted and Special Uses and listed in the individual use tables within each district section (above). Uses not listed are not permitted. Unlisted uses are subject to **Section 4.4.B**. When a conflict exists between the Table of Permitted Uses & Special Uses in this Section and the individual district tables, the Table of Permitted Uses & Special Uses in this Section shall supersede. In the case of a conflict between the tables in this **Section 4.14** and the individual district use tables in **Section 4.5 to 4.13**, the individual district use tables shall supersede.

<b>Avery Township Zoning Districts</b>	
Rec-1	Recreational District
R-2	Single-Family Residential District
R-3	Single-Family/Two-Family Residential District
R-4	Multiple-Family Residential District
A	Agricultural District
C	Commercial District
I-A	Industrial District
I-B	Industrial District
E	Extractive District

<b>Land Use Categories</b>	<b>Pg</b>
Accommodation & Food/Event Services	4-39
Agriculture, Forest Products & Animal Services	4-40
Arts, Entertainment & Recreation	4-41
Commercial, Services & Retail	4-42
Communications	4-44
Contractors	4-44
Educational Services & Religion	4-45
Human Care & Social Assistance	4-45
Manufacturing, Industrial & Waste Management	4-46
Miscellaneous	4-47
Public Facilities	4-47
Residential Uses	4-48
Transportation, Storage & Wholesale	4-48
Utilities & Energy	4-49

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

<b>Table of Permitted Uses &amp; Special Uses</b>									
<b>P</b> = Permitted <b>S</b> = Permitted with Special Use Permit *supplemental development regulations	Rec-1	R-2	R-3	R-4	A	C	I-A	I-B	E
<b>Accommodation &amp; Food/Event Services</b>									
Bakeries, Coffee Shops, Confectioneries & Ice Cream Shops						P			
Bars/Taverns						P			
Bed & Breakfasts & Tourist Homes §7.3	P*	S*	S*	P*	P*				
Cabin Courts (or Cabin Complex)						P			
Caterers/Food Service Contractors						P			
Commercial Event Facilities (including Convention Centers, Conference Centers, Banquet Halls, Wedding Venues) §7.24					S*	P*			
Food Trucks §7.11						P*			
Hotels & Motels						P			
Inns (Lodging Units within Restaurant serving meals to the public)						P			
Microbreweries & Distilleries (serving directly to the public & (including accessory uses such as tasting rooms))						P			
Night Clubs						P			
Resorts, Vacation Lodges & Farms Stays/Guest Ranches (including accessory facilities such as stables, corral, swimming pools, food services, & incidental retail sales & services)					S				
Farm Stays/Guest Ranches on at least 20 acres	P								
Restaurants §7.7						P*			
Rooming Houses/Boarding Houses				P		P			
Short Term Rental Homes	S	S	S	S					
Wineries & Cider Mills (including accessory uses such as tasting rooms)	S				S	P			

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

<b>Table of Permitted Uses &amp; Special Uses</b>									
<b>P = Permitted S = Permitted with Special Use Permit</b> <b>*supplemental development regulations</b>	<b>Rec-1</b>	<b>R-2</b>	<b>R-3</b>	<b>R-4</b>	<b>A</b>	<b>C</b>	<b>I-A</b>	<b>I-B</b>	<b>E</b>
<b>Agriculture, Forest Products &amp; Animal Services</b>									
Agricultural Products Processing & Storage (excluding concentrated animal feeding operations)					<b>P</b>	<b>P</b>			
Animal Sales Yards/Auctions for Livestock					<b>S</b>				
Animal Shelter/Animal Rescue Facility <b>§7.10</b>						<b>P*</b>			
Agricultural Tourism Businesses (on Farms)					<b>S</b>				
Biofuel Production Facilities on Farms <b>§7.28</b>					<b>PS*</b>				
Boarding Stables; Riding Stables/Academies, Non-Commercial <b>§7.18</b>					<b>P*</b>				
Bulk Seed, Feed, Fertilizer & Nursery Stock Outlet & Distribution Centers (including Wholesale)								<b>S</b>	
Dog Grooming Establishments						<b>P</b>			
Farming, Commercial	<b>P</b>				<b>P</b>				
Farming, Domestic/Hobby	<b>P</b>				<b>P</b>				
Farm Product Processing (to produce products for sale in a farm market/roadside stand)					<b>P</b>				
Farm Market/Roadside stand (product grown on property under the same control) – maximum of 200 sq ft in Agricultural District <b>§7.19</b>					<b>P*</b>	<b>P*</b>			
Farm Product Sales (Fruit/Vegetable Market) – (product <u>not</u> grown on property under the same control)						<b>P</b>			
Firewood Sales (Large Scale) (does not include small bundles of firewood)					<b>P</b>				
Forest Products Processing (Saw Mills, Veneer Mills, Planing Mills & related operations) (In Rec-1 and A, mills shall be temporary not to exceed 1 year of operation)	<b>S</b>				<b>S</b>			<b>P</b>	
Forestry/Forest Management (including forest harvesting & temporary log storage yards)	<b>S</b>				<b>S</b>			<b>P</b>	
Game Preserves/Hunting Preserves	<b>S</b>								
Grain Elevators					<b>S</b>				
Greenhouse; Nursery; Landscaping Establishments						<b>P</b>			
Kennels, Commercial; Dog Clubs					<b>S</b>				
Veterinary Clinic/Animal Hospital <b>§7.10</b>						<b>P*</b>			

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<b>Table of Permitted Uses &amp; Special Uses</b>									
<b>P = Permitted S = Permitted with Special Use Permit *supplemental development regulations</b>	<b>Rec-1</b>	<b>R-2</b>	<b>R-3</b>	<b>R-4</b>	<b>A</b>	<b>C</b>	<b>I-A</b>	<b>I-B</b>	<b>E</b>
<b>Arts, Entertainment &amp; Recreation</b>									
Archery Ranges (& as accessory use), Indoor					S	P			
Archery Ranges (& as accessory use), Outdoor					S	P			
Art Galleries & Art Studios						P			
Campgrounds (at least 10 acres) §7.5	S*					S*			
Camps (Summer Camps)	S				S	P			
Canoe/Kayak/Boat Liveries	S					P			
Circus & Carnival Lots	S				S	P			
Country Clubs	S				S				
Equipment Rental, Motorized (ORV, Snowmobile)						P			
Equipment Rental, Non-Motorized (Outfitter)						P			
Fitness & Recreational Sports (ex: health clubs, gym, pool, tennis)						P			
Golf Courses §7.22	P*				P*				
Golf Driving Ranges						P			
Historic Sites	P	P	P	P	P	P	P	P	P
Indoor Commercial Recreation Facility (ex - bowling alleys, billiards halls, arcades, skating.)						P			
Marinas (Public/Private)	S					P			
Museums						P			
Nature Parks/Nature Areas	P					P			
Outdoor Commercial Recreational Facility (ex - go karts; miniature golf; disc golf)						P			
Outdoor Theaters & Performance Facilities						P			
Private Clubs; Lodges; Fraternal Organizations						P			
Public Parks, Playgrounds, & Recreation Areas		P	P	P	P				
Race Tracks						P			
RV Parks §7.5	S*								
Shooting (Firearms) Ranges/Sportsmen's Association					S				
Snowmobile Trails	S				S				
Theaters/Performing Arts Facilities, Indoor						P			
Theaters, Drive-In §7.16						P*			
Tours (Commercial Operations)						P			
Wildlife Preserves/Forestry Preserves	P				P				
Zoos (including Petting Zoos) & Animal Tours	S				S				

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<b>Commercial, Services &amp; Retail</b>										
Auto Repair; Auto Body/Paint/Interior & Glass §7.9						P*				
Automotive Oil Change §7.9						P*				
Automotive Tire Sales & Installation §7.9						P*				
Automobile Towing Businesses						P				
Banks/Financial Institutions §7.7						P*				
Boat/RV/Recreational Equipment Repair & Storage						P				
Building & Garden Equipment & Supplies Dealers						P				
Business Incubator (Food Incubator listed under Manufacturing)						P				
Business Services & Computer Repair						P				
Car Washes §7.6						P*				
Cash Advance Stores						P				
Cleaning Services						P				
Commercial Equipment Repair & Maintenance						P				
Data Processing & Computer Centers						P				
Electronic & Precision Equipment Repair & Maintenance						P				
Equipment Rental & Sales						P				
Extermination & Pest Control Services						P				
Film Production Facilities including sound stages & other related activities						P				
Fix-It Shops						P				
Flea Market					S	S				
Funeral Homes & Mortuaries						P				
Furniture Refinishing (Upholsterers)/Furniture Repair						P				
Gas Stations §7.9						S*				
General Rental Centers						P				
Health Spa					S	P				
Interior Designers/Showrooms						P				
Laboratories, Medical/Dental						P				
Laundromat & Dry Cleaning Establishments						S				
Locksmiths						P				
Lumber Yards (pre-planed, finished lumber)/Building Material Sales						S				
Manufactured Home Dealers (& Service)						S				
Marihuana Growers §7.25					P*		P*			

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<b>Commercial, Services &amp; Retail (cont.)</b>									
Movie Rental Stores						P			
Offices, Professional						P			
Outdoor Sales/Rental of automobiles, trucks, motorcycles, ATVs, marine craft, farm implements, contractor's equipment, recreational equipment INCLUDING service						S	P	P	
Pawn Shops						P			
Personal Services (ex: beauty shops, tailoring, massage therapy, tanning)						P			
Photofinishing/Photographers						P			
Printing/Binding/Publishing of Print Material						P			
Real estate offices (sales) in connection with a specific development for a period not more than that specified at the time the approval is granted					S	P			
Recording Studios						P			
Retail Sales						P			
Antique Stores/Second-Hand Stores (outdoor display is permitted but goods must be brought inside after closing hours)						P			
Art & Photography Shops						P			
Automotive Accessory Sales						P			
Bait & Tackle Shops						P			
Bicycle Shops						P			
Book Stores						P			
Building & Garden Equipment & Supplies Dealers						P			
Clothing, Clothing Accessory & Shoe Stores (including shoe repair)						P			
Convenience Stores						P			
Department Stores						P			
Electronics & Appliance Stores						P			
Farm & Feed Supply Stores	S				S	P			
Farm Market	S				S	P			
Firearms Store						P			
Florists						P			
Furniture & Home Furnishings Stores/Fixtures Stores (including wall/floor cover)						P			
General Merchandise Stores/General Retail						P			
Gift Shops						P			

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<b>Commercial, Services &amp; Retail (cont.)</b>									
Grocery Stores/Meat Market/Fruit & Vegetable Market						P			
Hardware Stores						P			
Health & Personal Care Stores						P			
Home Improvement Centers (lumber stored in enclosed structure)						P			
Jewelry Stores						P			
Liquor Stores (where liquor is the primary item for sale)						P			
Malls, Shopping Centers, or Shopping Plazas						P			
Office Supply Stores						P			
Pet Stores & Pet Supply Stores						P			
Pharmacies/Medical & Optical Supplies §7.7						P*			
Resale Shops/Thrift Shops (outdoor display is permitted but goods must be brought inside after closing hours)						P			
Sporting Goods, Hobby, Book & Music Stores						P			
Seasonal Sales/Transient Sales						P			
Sexually Oriented Businesses §7.13						S*			
Small Engine Repair						P			
Small-Scale Craft Making						P			
Studios for dance, physical exercise & music						P			
Taxidermy Shops						P			
Tattoo & Body Piercing Studios						P			
<b>Communications</b>									
Small Cell Wireless Facilities §7.31	S*				S*	S*			
Television/Radio Broadcasting Stations						S			
Wireless Communications Facilities with Support Structures (i.e. cell towers) §7.31	S*				S*	S*			
Wireless Communications Facilities, Ground-Mounted (Earth Station or Ground Station) §7.31	S*				S*	S*			
<b>Contractors</b>									
Special Trade Contractors Offices & Showrooms – no outdoor storage (construction, electrical, plumbing, heating, excavation, well-drilling, etc)						P			
Special Trade Contractors Offices & Showrooms w/ outdoor storage of materials & contractor's equipment (construction, electrical, plumbing, heating, excavation, well-drilling, etc)						P			

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<b>Educational Services/Religion</b>									
Business Schools, Vocational Schools & Trade Schools						P	P		
Colleges/Universities						P	P		
Public, charter or private schools (elementary through high school)		S	S	P					
Religious Institutions & Customary Accessory Uses		P	P	P	P				
<b>Human Care &amp; Social Assistance</b>									
Adult Day Care Facility (6 or less adults) – IN PRIVATE HOME		S	S	S		P			
Adult Day Care Facility (greater than 6 adults) – IN PRIVATE HOME		S	S	S		P			
Adult Day Care Facility NOT IN PRIVATE HOME		S	S	S		P			
Adult Foster Care Family Homes (6 or less adults)	P	P	P	P	P				
Adult Foster Care Small Group Home (7-12 adults)	P	S	S	S	S	P			
Adult Foster Care Large Group Home (13-20 adults)	P			S	S	P			
Adult Foster Care Congregate Facilities (over 20 adults)				S		P			
Assisted Living Home/Nursing Home/Convalescent Home §7.23					S*				
Charitable Institution (ex: soup kitchen); Non-Profit Organizations					S				
Child Care Home, Family	P	P	P	P	P				
Child Care Home, Group	S	S	S	S	S				
Child Care Center/Nursery School (not in home)						P			
Child Caring Institution						P			
Correctional or Penal Institutions					S				
Health Care/Dental/Optical Clinics					S				
Hospitals					S				
Rehabilitation Institutions						P			
Residential Human Care & Treatment Facility (not in a residence)						P			
State-Licensed Residential Facilities (6 or less)	P	P	P	P	P				

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Table of Permitted Uses & Special Uses									
P = Permitted S = Permitted with Special Use Permit *supplemental development regulations	Rec-1	R-2	R-3	R-4	A	C	I-A	I-B	E
<b>Manufacturing, Industrial &amp; Waste Management</b>									
Manufacturing, Light – including the production, processing, cleaning, testing, & distribution of materials, goods, foodstuffs, & products. <b>Light Manufacturing are those industries in which the modes of operation of the industry have no external effects &amp; do not directly affect nearby development. External effects shall include but are not limited to air contaminants, blown material, odor, noise, glare, gasses, electrical disturbance, heat, &amp; vibration.</b>							S	S	
Manufacturing, Heavy – including the production, processing, cleaning, testing, & distribution of materials, goods, foodstuffs, & products. <b>Heavy Manufacturing are those industries in which the modes of operation of the industry do have external effects &amp; may directly affect nearby development. External effects shall include but are not limited to air contaminants, blown material, odor, noise, glare, gasses, electrical disturbance, heat, &amp; vibration.</b>								S	
Accessory Uses incidental to Manufacturing (offices, food services, caretaker buildings)						P	P	P	P
Bulk Storage &/or Distribution of Flammable or Hazardous Materials/Bulk Station							S	P	
Central Dry Cleaning Plants & Laundries (not dealing directly with customers)							S		
Cold Storage Plants							S		
Crematoriums							S		
Food Hub Facility/Food Incubator Facility						P	P		
Foundries								P	
Gas & Oil Processing Facilities/Refinery §7.8							S*	P*	
Incinerator Plant							S	S	
Industrial Parks (planned)							S	S	
Junkyards/Salvage Yards/Scrap Yards/Motor Vehicle Impoundment & Wrecking Yards §7.20								S*	
Machine Shops							P	P	
Metal Plating/Buffering/Polishing/Cutting/Slitting/Shearing							S	S	
Mineral Processing Facilities & Operations							S	S	S
Mining/Resource Extraction (incl sand, gravel, rock & mineral extraction; sod farming; borrow pits) §7.14									P*
Printing, Lithographic & Blueprinting						P	S	S	
*When Mining/Resource Extraction is proposed in districts other than the Extractive District, they shall be considered Special Uses (Section 125.3205 of the Michigan Zoning Enabling Act)									

**1** Purpose

**2** Definitions

**3** General Provisions

**4** District Regulations

**5** Site Plan Review & Plot Plans

**6** Special Use Review

**7** Supplemental Regulations

**8** Zoning Board of Appeals

**9** Administration & Enforcement

**10** Adoption & Amendments

<b>Table of Permitted Uses &amp; Special Uses</b>									
<b>P</b> = Permitted <b>S</b> = Permitted with Special Use Permit *supplemental development regulations	Rec-1	R-2	R-3	R-4	A	C	I-A	I-B	E
<b>Manufacturing, Industrial &amp; Waste Management (cont.)</b>									
Ready-Mix Concrete & Asphalt Plants, & Similar Uses								P	
Research/Design/Experimental Product Development							S	S	
Sign Shop						S			
Slaughterhouses					S		S	S	
Tin Shops or Plumbing Supply Shops							P	P	
Tool & Die Shops							P	P	
Waste Collection Facilities; Recycling facilities/Resource Recovery Facilities; Solid Waste Transfer Stations								S	
<b>Miscellaneous</b>									
Accessory Buildings & Uses Incidental to Principal Uses <a href="#">§3.10</a>	P*	P*	P*	P*	P*	P*			
Cemeteries including Columbaria & Mausoleums (human or pet)					S				
Mixed Uses (Commercial/Residential in one building or on one lot where both uses are the principal use)						P			
Planned Unit Developments <a href="#">§7.26</a>	S*	S*	S*	S*	S*	S*			
Site Condominium Development <a href="#">§7.27</a>	S*	S*	S*	S*	S*				
Temporary Buildings (used during construction)	P	P	P	P	P	P	P	P	P
<b>Public Facilities</b>									
Publicly-Owned Buildings & Community Facilities		S	S	S	S	P			
Community Centers		S	S	S	S	P			
Correctional Facilities					S				
Government Offices		S	S	S	S	P			
Libraries						P			
Police/Fire Stations		S	S	S	S	P			
Post Office		S	S	S	S	P			
Public Works Facilities		S	S	S	S	P			

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<b>Residential Uses</b>									
Accessory Dwelling Units/Guest Houses §7.4	S*	S*	S*	S*	S*				
Dwelling Units on same lot with Commercial	S	S	S	S	S	P			
Home Occupations §7.2	P*	P*	P*	P*	P*	P*			
Cottage Industries §7.2	S*	S*	S*	S*	S*	S*			
Manufactured Housing Community (with accessory uses such as laundry facilities, office building, & community building)				P					
Multiple-Family Dwelling Units (Apartments; Townhouses) §7.12				P*					
Single-Family Dwelling	P	P	P	P	P				
Two-Family Dwelling (duplex)			P	P					
<b>Transportation, Storage &amp; Wholesale</b>									
Airports, Aviation Support Services, Heliports & Landing Fields §7.15					S*	S*			
Couriers/Parcel Packing/Shipping/ Delivery Establishments/Mail Order Establishments						P	P		
Drone (Unmanned Aerial) Centers						P	P	P	
Distribution Centers/Freight Terminals/Trucking Facilities						P	P		
Marinas, Port & Dock Facilities						P	P		
Rail yards					S	S	S	S	S
Scenic & Sightseeing Transportation					S	S	S	S	
Storage including Self-Storage Facilities/Mini-Storage							P	P	
Transit Facilities (including bus garages/stations)						P			
Truck Rental Facilities						P			
Truck Repair/Truck Terminal Maintenance							P	P	
Truck Washes						S	P	P	
Warehousing							P	P	
Wholesale Businesses						P	P		

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<b>Utilities &amp; Energy</b>									
Essential Services	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>
Essential Service Buildings or Facilities (including transformer stations & similar)	<b>S</b>	<b>S</b>	<b>S</b>	<b>S</b>	<b>S</b>	<b>S</b>	<b>S</b>	<b>S</b>	<b>S</b>
Heating & Electric Power Generating Plants					<b>S</b>		<b>S</b>	<b>S</b>	
Public Utility Facilities (without storage yards)	<b>S</b>	<b>S</b>	<b>S</b>	<b>S</b>	<b>S</b>	<b>S</b>	<b>S</b>	<b>S</b>	<b>S</b>
Public Utility Facilities (with storage yards)						<b>S</b>	<b>S</b>	<b>S</b>	<b>S</b>
Solar Energy Facility (Utility-Scale) <a href="#">§7.29</a>							<b>S*</b>	<b>S*</b>	
Wind Energy Systems & Anemometer Towers (Utility-Scale) <a href="#">§7.30</a>							<b>S*</b>	<b>S*</b>	
Wind Energy Systems (On-Site) <a href="#">§7.30</a>	<b>S*</b>	<b>S*</b>	<b>S*</b>	<b>S*</b>	<b>S*</b>	<b>S*</b>	<b>S*</b>	<b>S*</b>	<b>S*</b>

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**Section 4.15 Schedule of Regulations**

Principal buildings within this district shall adhere to the standards within this table unless specifically stated otherwise in this Ordinance. Please see the individual district tables in this Article as well. In the case of a conflict between the regulations in this **Section 4.15** and the individual district regulation tables in **Section 4.5 to 4.13**, the individual district regulation tables shall supersede.

District	Min Lot Area	Min Lot Width	Max Height of Structure	Minimum Setback			Min Dwelling Unit Size
				Front (a)	Side	Rear	
A: Agriculture	20 acres	200 ft	50 ft	40 ft	20 ft	20 ft	(c)
Rec-1: Recreational	20,000 sq ft	150 ft	35 ft	40 ft	20 ft	20 ft	(c)
R-2: Residential	12,000 sq ft	100 ft	35 ft	40 ft	15 ft	15 ft	(c)
R-3: Residential	12,000 sq ft (b) 8,500 sq ft (b) 6,000 sq ft per dwelling unit for multiple dwellings on 1 lot	100 ft 85 ft	35 ft	35 ft	10 ft	10 ft	(c)
R-4: Residential	12,000 sq ft (b) 8,500 sq ft (b) 4,000 sq ft per dwelling unit for multiple dwellings on 1 lot	100 ft	35 ft	30 ft	10 ft	10 ft	(c)
C: Commercial	12,000 sq ft	100 ft	35 ft	25 ft	(d)		N/A
I-A: Industrial	Single Industry: 1 acre Industrial Park: 20 acres	N/A	40 ft	40 ft	25 ft	25 ft	N/A
I-B: Industrial	Single Industry: 1 acre Industrial Park: 20 acres	N/A	40 ft	40 ft	25 ft	25 ft	N/A
E: Extractive	40 acres	N/A	N/A ft	100 ft	100 ft	100 ft	N/A

Footnotes:

- a. **Corner Lots.** Corner lots shall have front yards and shall meet front setbacks on both streets.

**Waterfront Lots.** On all lots abutting lakes or streams, no building or structure, except boathouses, landing ramps, and docks, shall be erected less than seventy-five (75') feet from the ordinary high water mark, PROVIDED, that no boathouse, landing ramp, or dock shall be erected less than ten (10') feet from any side lot lines, and no boathouse shall exceed twelve (12') feet in height above said water level. See **Figure 4.3**. A waterfront greenbelt shall be maintained pursuant to **Section 3.20**. See **Section 7.21 Waterfront Development Density Limitations**.

- b. The minimum lot size shall be twelve thousand (12,000 ft<sup>2</sup>) square feet for each single-family lot without public water and sewer and eight thousand five hundred (8,500 ft<sup>2</sup>) square feet for each

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single-family lot with public water and sewer. For multiple dwelling units on one (1) lot, the minimum lot size shall be six thousand (6,000 ft<sup>2</sup>) square feet per dwelling unit in the R-3 district and four thousand (4,000 ft<sup>2</sup>) square feet per dwelling unit in the R-4 District.

c. Minimum dwelling unit sizes shall be as follows:

Single-Family: 720 sq ft	Multiple-Family Dwellings: Efficiency: 240 sq ft 1-Bedroom Unit: 320 sq ft 2-Bedroom Unit: 420 sq ft 3-Bedroom Unit: 520 sq ft 4-Bedroom Unit: 620 sq ft
Two-Family (Duplex): 1,440 sq ft	

The minimum dwelling unit size does not apply to hotel/motels, resort rooms, cabins courts, accessory dwelling units, and similar uses.

d. **Side Yards in Commercial District.**

- (1) No open side yard shall be required when walls abutting a side lot line are solid masonry and wholly without openings. Twenty-five (25') feet side setback is required where the wall abutting a site lot line has openings or is not solid masonry.
- (2) Twenty-five (25') feet on the street side lot line on corner lots.
- (3) Twenty-five (25') feet where any adjacent lot is occupied or zoned for dwelling.

# Article 5

## Site Plan Review & Plot Plans

Sec	Name	Pg	Sec	Name	Pg
5.1	Purpose & Approval Summary	5-1	5.6	Conformance with Approved Site Plan	5-9
5.2	Plot Plans	5-2	5.7	Amendment to an Approved Site Plan	5-9
5.3	Site Plan Review Procedure	5-3	5.8	Revocation of Site Plan Approval	5-11
5.4	Site Plan Data Required	5-5	5.9	Expiration of Site Plan Approval	5-11
5.5	Site Plan Review Standards	5-7			

### Section 5.1 Purpose & Approval Summary

The purpose of this Article is to specify the documents and/or drawings required for plot plans and site plan review so as to ensure that a proposed land use or development activity is in compliance with this Ordinance and that development actually occurs as it was promised by the developer. Furthermore, its purpose is to ensure that development taking place within the Township is orderly, properly designed, safe, efficient, environmentally sound, and designed in such manner as to protect adjacent properties from substantial adverse impacts.

**Table 5.1: Required Plan & Approving Authority Table**

Type of Use	Required	Approving Body
1. Single-Family Dwellings, Two-Family Dwellings	Plot Plan	Zoning Administrator
2. Residential Special Uses (Cottage Industries, Bed & Breakfasts/Tourist Home & Group Day Care Homes)	Plot Plan	Planning Commission
3. Accessory Dwelling Units	Plot Plan	Planning Commission
4. Dwelling Units in conjunction with Commercial Establishments	Site Plan	Planning Commission
5. Multiple-Family Dwelling Units; Manufactured Housing Communities	Site Plan	Planning Commission
6. Special Uses (except residential)	Site Plan	Planning Commission
7. Parking Lots (which is not part of a site plan per #12/13 below)	Site Plan	Zoning Administrator
8. Accessory Buildings/Structures for Single-Family & Two-Family Dwellings	Plot Plan	Zoning Administrator
9. Accessory Buildings/Structures for all other Buildings	Site Plan	Zoning Administrator*
10. Fences (no permit required, but shall meet Ordinance standards)	N/A	N/A
11. Signs (no permit required, but shall meet Ordinance standards)	N/A	N/A
12. New Commercial, Industrial, Utility & Institutional Structures/Uses.	Site Plan	Planning Commission
13. Expansion of an existing use, other than single-family & two-family dwellings, which increases the existing floor area more than 25%.	Site Plan	Planning Commission
14. Planned Unit Developments & Site Condominium Projects	Site Plan	Planning Commission
15. Food Trucks	Plot Plan	Zoning Administrator
16. Change of Use (for existing structure other than single- or two-family)	Application	Zoning Administrator
17. Seasonal Uses (No fee)	Application	Zoning Administrator*
18. Temporary Dwellings	Plot Plan	Zoning Administrator

\*Zoning Administrator has the option to send application to the Planning Commission for approval

<b>1</b> Purpose	<b>2</b> Definitions	<b>3</b> General Provisions	<b>4</b> District Regulations	<b>5</b> Site Plan Review & Plot Plans
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**Section 5.2 Plot Plans**

**A. Plot Plan Submittal Requirements.**

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

**Table 5.2: Plot Plan Requirements**

<b>1. Address/Contact</b>	Address or legal or tax description of the property where the proposed use will occur. Name, address, and telephone number of the property owner(s), developer(s), and designer(s), and their interest in said properties including evidence of ownership.
<b>2. Lot Lines</b>	The shape, location, and dimensions of the lot, drawn to scale. The scale shall be of such size as deemed adequate by the Zoning Administrator to make a judgment that the application meets the requirements of this Ordinance. When deemed necessary by the Zoning Administrator, a survey may be required.
<b>3. Setbacks</b>	Location of required setbacks of the zoning district.
<b>4. Structures</b>	The shape, size, and location of all buildings or other structures to be erected, altered, or moved and of any building or other structures already on the lot, drawn to scale.
<b>5. Access</b>	The location and configuration of the lot access and driveway, drawn to scale. The names and widths of abutting pavements and rights-of-way.
<b>6. Use</b>	The existing and intended use of the lot and of all such structures upon it, including, in residential areas, the number of dwelling units the building is intended to accommodate.
<b>7. Natural Features</b>	Natural features such as forests, water bodies, wetlands, high risk erosion areas, slopes over 10%, drainage, and other similar features, if determined by the Zoning Administrator to be applicable.
<b>8. Other</b>	Other information concerning the lot or adjoining lots that may be essential for determining whether the provisions of this Ordinance are being observed.

**B. Plot Plan Administrative Procedure.**

- Plot plans are reviewed and approved according to the approval chart in **Table 5.1** after an application has been submitted and applicable fees have been paid. The Zoning Administrator or Planning Commission will issue zoning approval pursuant to **Section 9.2** after determination that the application and proposed activity are in compliance with all applicable sections of this Ordinance.

<b>1</b> Purpose	<b>2</b> Definitions	<b>3</b> General Provisions	<b>4</b> District Regulations	<b>5</b> Site Plan Review & Plot Plans
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2. After approval, copies of the application and plot plan submitted shall be signed and dated. One (1) copy shall be filed with the Montmorency County Building Inspector for a building permit, one (1) copy with the Township, and one (1) returned to the applicant with a card or other written statement specifying the terms of the zoning permit for posting on the premises during the progress of any construction authorized. No permit shall be transferable.

**Section 5.3 Site Plan Review Procedure**

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

The Zoning Administrator, alone or in conjunction with the Planning Commission Chair and/or members of the Planning Commission, shall have the authority to conduct a pre-application meeting with the applicant/developer to assist them in understanding the site plan review process and other Ordinance requirements and to provide insight as to what portions of their proposed development may be of special concern to the Planning Commission.

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

**B. Number of Copies and Timing.**

Six (6) copies of the proposed site plan containing the data listed in [Section 5.4](#), including all required additional or related information, shall be presented to the Zoning Administrator's Office by the petitioner or property owner or his designated agent at least thirty (30) days prior to the Planning Commission meeting where the site plan will be considered. A digital copy of the site plan shall be required.

**C. Fees.**

Application fees pursuant to the currently adopted fee schedule and [Section 9.4](#) shall be paid when the site plan is submitted.

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

The Zoning Administrator shall review the materials submitted to assure all information required by the Ordinance has been provided. If the application is incomplete, the Zoning Administrator will send a notice with a detailed list of all deficiencies to the applicant. Once the submitted materials are deemed by the Zoning Administrator to be complete, the Zoning Administrator shall cause the submittal to be placed on the agenda of the next regular Planning Commission meeting. If the site plan is being submitted as part of a Special Use, notice of said meeting shall be in conformance with [Section 9.6](#) and the procedures of [Article 6](#) shall be followed.

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

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

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

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

**F. Site Plans Requiring ZBA Action.**

Where the applicant is dependent upon the granting of any variances by the Zoning Board of Appeals, said favorable action by the Zoning Board of Appeals shall be necessary before site plan approval can be granted, or the site plan may be approved subject to favorable action by the Zoning Board of Appeals.

**G. Attendance at Meeting.**

If the applicant fails to attend the Planning Commission meeting at which the site plan will be reviewed, either in person or by an authorized representative, the review may be tabled until the next scheduled Planning Commission meeting or may be acted upon without the applicant’s input.

**H. Planning Commission Action.**

1. **Decision.** The Planning Commission, after review of the site plan, shall have the responsibility and authorization to:
  - a. Approve the site plan; or
  - b. Approve the site plan with conditions; or
  - c. Disapprove the site plan. If the site plan is disapproved by the Planning Commission, notification of such disapproval shall be given to the applicant within ten (10) days after such Commission action by the Zoning Administrator. The reasons for denial shall be stated in such notice.

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

2. **Findings of Fact.** The decision of the Planning Commission shall be incorporated into a written statement of findings and conclusions relative to the site plan which specifies the basis for the decision and any condition(s) imposed.
3. **Conditions.** The Planning Commission may impose reasonable conditions with the approval of a final site plan, pursuant to [Section 9.8](#) of this Ordinance. Any conditions or modifications desired by the Planning Commission shall be recorded in the minutes of the appropriate Planning Commission meeting.
4. **Signed Copies.** After approval, copies of the site plan submitted shall be signed and dated. One (1) copy shall be filed with the Montmorency County Building Inspector for a building permit, one (1) copy with the Township, and one (1) returned to the applicant with a card or other written statement specifying the terms of the zoning permit for posting on the premises during the progress of any construction authorized.
5. **Performance Guarantee.** The applicant may be required to post performance guarantees to ensure the completion of improvements associated with the project as per [Section 9.5](#).
6. **Zoning Permit.** Approval of a final site plan authorizes the issuance of a zoning permit.
7. **Appeal.** The decision of the Planning Commission may be appealed by a person aggrieved by the decision; by an officer, department, board, or bureau of the state of Michigan; or the Township, to the Zoning Board of Appeals. Request for appeal shall be made within thirty (30) days of the date of the Planning Commission decision.
8. **Rehearing.** A rehearing may be granted pursuant to [Section 9.10](#).

## Section 5.4 Site Plan Data Required

Each site plan submitted shall contain the following information, unless specifically waived, in whole or in part, by the Zoning Administrator or Planning Commission upon a finding that the information being waived is not necessary for the proposed development under consideration.

**Table 5.4: Site Plan Requirements**

### A. General Information

1. Name and address of property owner and developer (including contact information).
2. Name and address of firm preparing the site plan (including contact information).
3. The existing zoning district in which the site is located and the zoning of adjacent parcels. In the case of a request for a zoning change, the classification of the proposed new district.
4. A location sketch of the proposed use or structures.

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

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5. Gross acreage of development and total usable floor area.
6. Anticipated hours of operation for the proposed use. The Planning Commission may impose reasonable limits to hours of operation as a condition of site plan approval when warranted to assure compatibility with surrounding land uses.

**B. Map Information**

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

**C. Lot Lines & Right of Way**

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

**D. Development Features**

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

**E. Natural Features**

1. The location of existing environmental features, such as streams, wetlands, shorelands, mature specimen trees, wooded areas, or any other unusual environmental features.
2. For multiple-family and manufactured housing developments, the contour intervals of the topography of the existing and finished site shall be shown where the existing slope on any part of the building site is ten (10%) percent or greater. Such contour shall be shown at height intervals of five (5') feet.

<b>1</b> Purpose	<b>2</b> Definitions	<b>3</b> General Provisions	<b>4</b> District Regulations	<b>5</b> Site Plan Review & Plot Plans
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**F. Cross-Sections/Floor Plans/Density**

A summary schedule and views should be affixed to site plans for proposed structures in applicable residential and commercial districts, giving the following information:

1. The number of dwelling units proposed, by type, including a typical floor plan for each type of unit.
2. The residential area of the proposed units in square feet, as well as area dimensions of driveways and staging areas.
3. Typical elevation drawings of the front and rear of each building

**G. Other**

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

**Section 5.5 Site Plan Review Standards**

In reviewing the site plan, the Planning Commission shall determine whether the proposed site plan is consistent with all regulations of this Ordinance. Further, in consideration of each site plan, the Planning Commission shall find that provisions of the zoning district in which said buildings, structures, and uses as indicated in the proposed site plan have been satisfactorily demonstrated and met by the applicant. In addition, each site plan shall conform to the standards listed below unless the Planning Commission waives a particular standard upon a finding that the standard is not applicable to the proposed development under consideration, and the waiver of that standard will not be significantly detrimental to surrounding property or to the intent of the Ordinance.

**A. Circulation.**

The traffic and pedestrian circulation features within the site and location of automobile parking areas shall be safe and efficient.

1. Circulation systems shall be designed to promote safe and efficient traffic operations within the site, at ingress/egress points, and at intersections.
2. Satisfactory and harmonious relationships between the development on the site and the existing and prospective development of contiguous land and adjacent neighborhoods shall be assured.
3. Vehicular and pedestrian circulation shall be well-defined.
4. There shall be provided a pedestrian circulation system which is insulated as completely as reasonably possible from the vehicular circulation system.
5. The Planning Commission shall evaluate the circulation and parking features as required by the **Americans with Disabilities Act** and **Section 3.29** of this Ordinance.

<b>1</b> Purpose	<b>2</b> Definitions	<b>3</b> General Provisions	<b>4</b> District Regulations	<b>5</b> Site Plan Review & Plot Plans
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**B. Utilities and Drainage.**

The sewage disposal facilities, water supply, stormwater drainage, fire protection, and other utility provisions shall be safe and adequate.

**C. Adjacent Uses.**

1. The location, use, and the nature of the operation shall not be in conflict with the primary permitted uses of the District or neighborhood.
2. The use shall not be objectionable to adjacent and nearby properties by reason of traffic, noise, vibration, dust, fumes, odor, fire-hazard, glare, flashing lights, disposal of waste or sewage, erosion, pollution, or negative effects upon significant environmental features.
3. The use shall not discourage or hinder the appropriate development and use of adjacent premises and neighborhood.

**D. Emergency Vehicle Access.**

All buildings or groups of buildings shall be so arranged as to permit emergency vehicle access.

**E. Preservation of Natural Landscape.**

The natural landscape shall be preserved in its natural state, insofar as practical, by minimizing tree and soil removal, and by topographic modifications which result in maximum harmony with adjacent areas.

**F. Snow Storage.**

Adequate snow handling measures shall be planned for and proper snow storage areas shall be provided.

**G. Landscaping.**

Landscaping, including grass, trees, shrubs, and other vegetation, is provided to maintain and improve the aesthetic quality of the site and area.

**H. Visual and Sound Privacy.**

The site plan shall provide reasonable visual and sound privacy for all dwelling units located therein. Fences, walls, barriers, and landscaping shall be used, as appropriate, for the protection and enhancement of property and for the privacy of its occupants.

**I. Lighting.**

<b>1</b> Purpose	<b>2</b> Definitions	<b>3</b> General Provisions	<b>4</b> District Regulations	<b>5</b> Site Plan Review & Plot Plans
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Exterior lighting shall be arranged to be compliant with [Section 3.24: Lighting](#).

**J. Drainage.**

On-site drainage shall be required. Appropriate measures shall be taken to ensure that removal of surface waters will not adversely affect neighboring properties. The use of detention/retention ponds may be required.

**K. Outside Storage.**

Outside storage areas, including areas for storage of trash which face or are visible from residential districts or use of the public right-of-way, shall be screened.

**Section 5.6 Conformance with Approved Site Plan**

Following approval of a site plan by the Planning Commission, the applicant shall construct the site improvements in complete conformity with the approved site plan and conditions imposed. Failure to construct site improvements which conform to the approved site plan shall be considered a violation of this Ordinance.

**Section 5.7 Amendment to an Approved Site Plan**

All improvements shall conform to the approved site plan. It shall be the responsibility of the applicant to notify the Zoning Administrator of any requested changes prior to such change being made. The Zoning Administrator shall have the authority to determine if a proposed change requires an amendment to an approved site plan. The Zoning Administrator may approve minor changes in an approved site plan, provided that a revised site plan drawing(s) be submitted showing such minor changes, for purposes of record. Even if determined to be a minor change, the Zoning Administrator may refer changes to the Planning Commission for their approval. Requested changes shall not violate the regulations contained within this Ordinance.

**A. Determination of Minor Changes to a Site Plan.**

The Zoning Administrator shall consider the following to be a minor change:

1. Changes in floor plans that do not exceed twenty-five (25%) percent of the total floor area or five hundred (500 ft<sup>2</sup>) square feet, whichever is less, and which do not alter the character of the use or increase the amount of required parking.
2. Alterations to vertical elevations by up to twenty-five (25%) percent.
3. Movement of a building or buildings by no more than ten (10') feet.

<b>1</b> Purpose	<b>2</b> Definitions	<b>3</b> General Provisions	<b>4</b> District Regulations	<b>5</b> Site Plan Review & Plot Plans
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4. Reduction of the size of any structure and/or sign.
5. Improvements to site access or circulation, such as inclusion of deceleration lanes, boulevards, curbing, pedestrian/bicycle paths, etc.
6. Internal re-arrangement of the parking lot which does not affect the number of parking spaces or alter access locations or design.
7. Relocation of sidewalks and/or refuse storage stations.
8. Changes of building materials to another of higher quality, as determined by the Zoning Administrator.
9. Landscaping approved in the site plan that is replaced by similar landscaping to an equal or greater extent.
10. Changes that will preserve the natural features of the site without changing the basic site layout.
11. Change type and design of lighting fixture provided there will be no change in the intensity of light at the property boundary.
12. Changes required or requested by the Township or other state or federal regulatory agencies in order to conform with other laws or regulations provided the extent of such changes does not alter the basic design and character of the site plan, nor any specified conditions imposed as part of the original approval and provided that such changes conform to the regulations contained in this Ordinance.

**B. Revised Site Plan with Minor Changes.**

After approval, the revised site plan shall contain a list of all approved amendments and a place for the Zoning Administrator to sign and date all approved amendments.

**C. Amendment to Site Plan – Major.**

1. For amendments to site plans that do not qualify as a minor amendment and which require Planning Commission action, the same application process and fee for site plan review shall apply.
2. If the Zoning Administrator finds that a proposed amendment to a site plan does not qualify as a minor change, he or she shall immediately notify the permit holder in writing that site plan approval has been suspended pending approval of the proposed amendment. The permit holder's notice shall be delivered by mail or in person. When the Planning Commission has approved the amendment, the Zoning Administrator shall send a written notice to the permit holder that the project's site plan has again been approved. This provision is not to be construed to prohibit phased development of a project provided that each phase is developed in accordance with an approved site plan.

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

### Section 5.8 Revocation of Site Plan Approval

If conditions and stipulations of an approved site plan are not being adhered to or in case of false statements or misrepresentations made in the application, the Township shall pursue enforcement procedures as a violation of the Zoning Ordinance.

### Section 5.9 Expiration of Site Plan Approval

Site plan approval shall expire one (1) year after the approval is granted, unless substantial construction of the approved development has begun within that time. Thirty (30) days prior to expiration of an approved site plan, an applicant may make application to the Planning Commission for a one (1) year extension of the site plan approval. The Planning Commission may grant the requested extension for this additional one (1) year if it finds good cause for the extension.

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

# Article 6 Special Use Review

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## Section 6.1 Purpose

Special Use permits are required for proposed activities which are essentially compatible with other permitted uses in a zoning district but which possess characteristics or locational qualities which require individual review and restriction. The purpose of this individual review is to ensure compatibility with the character of the surrounding area, with public services and facilities, with adjacent properties, and to ensure conformance with standards set forth in this Ordinance. Special Uses are listed in this Ordinance under each zoning district in [Article 4](#). The intent of this Article is to establish equitable procedures and criteria which shall be applied in approving or denying Special Use permits.

## Section 6.2 Special Use Review Procedure

### A. Application Submittal.

1. **Application.** Application shall be submitted through the office of the Zoning Administrator, to the Planning Commission, on a special form provided for that purpose and shall be accompanied by the fee, pursuant to [Section 9.4](#), prescribed in the Fee Schedule adopted by the Township Board.
2. **Timing of Submittal.** Special Use applications shall be submitted at least forty-five (45) days prior to the Planning Commission meeting at which the site plan will be considered.
3. **Plot Plan or Site Plan Required.** In addition to a complete application form, the applicant is required to submit a plot plan for Residential Special Uses in accordance with [Section 5.2](#) and a site plan for Non-Residential Special Uses prepared in accordance with [Section 5.4](#). Incomplete submittals shall not be accepted by the Zoning Administrator. The Zoning Administrator may waive the requirement for a plot plan or site plan if he/she finds that the plot plan/site plan requirements are not applicable to the proposed Special Use. In addition to the plot plan or site plan, the applicant shall also submit the following:

- a. Description of the proposed use including parking facilities, if required, and any exceptional traffic situation the use may occasion.
- b. Sewage and waste disposal facilities and water supply, existing and/or proposed for installation.
- c. Use of existing premises and zoning district designation of all adjacent properties.
- d. A statement by the applicant appraising the effect on the neighborhood.

**B. Application Processing.**

1. **Review for Completeness and Scheduling of Public Hearing.** The Zoning Administrator will review the materials submitted to assure all information required by the Ordinance has been provided. If the application is incomplete, the Zoning Administrator will send a notice with a detailed list of all deficiencies to the applicant. If the application, including all required additional or related information, is determined to be complete, the Zoning Administrator shall cause the submittal to be placed on the agenda of the Planning Commission meeting as a public hearing after notice has been provided in accordance with [Section 9.6](#). The Zoning Administrator may also transmit his/her recommendation of the proposed development to the Planning Commission.
2. **Coordination with Other Agencies.** The Zoning Administrator may distribute the site plan to the following for comment or recommendation prior to consideration for approval:
  1. The [Montmorency County Building Department](#)
  2. The [Montmorency County Soil Erosion and Sedimentation Control Officer](#)
  3. The [Montmorency County Drain Commissioner](#)
  4. The [Montmorency County Road Commission](#) and, if appropriate, the [Michigan Department of Transportation](#)
  5. [District Health Department](#)
  6. Local police, fire, and ambulance service providers
  7. Planning consultant
  8. Other agencies or consultants as deemed appropriate
3. **Special Uses Requiring ZBA Action.** Where the applicant is dependent upon the grant of any variances by the Zoning Board of Appeals, said favorable action by the Zoning Board of Appeals shall be necessary before Special Use approval can be granted, or the Special Use may be approved subject to favorable action by the Zoning Board of Appeals.

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

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4. **Attendance at Meeting.** If the applicant fails to attend the Planning Commission meeting at which the special use will be reviewed, either in person or by an authorized representative, the review may be tabled until the next scheduled Planning Commission meeting or may be acted upon without the applicant’s input.

**C. Public Hearing.**

A public hearing shall be held for all Special Use permit requests. Notice of the Special Use permit request and public hearing shall be provided after notice is given pursuant to [Section 9.6](#).

**D. Planning Commission Action.**

1. After the public hearing, the Planning Commission, upon finding that the proposed Special Use complies with all applicable provisions of this Ordinance, standards listed in [Section 5.5](#) (if a site plan is required), the standards listed in [Section 6.3](#), and standards in [Article 7](#) which are applicable to the specific Special Use, may:
  - a. Approve the Special Use; or
  - b. Approve the Special Use with conditions; or
  - c. Disapprove the Special Use. If the Special Use is disapproved by the Planning Commission, notification of such disapproval shall be given to the applicant within ten (10) days after such Commission action by the Zoning Administrator. The reasons for denial shall be stated in such notice.
2. The Planning Commission’s decision shall be in writing and shall include findings of fact, based on evidence presented on each standard.
3. Approval, by the Planning Commission, of a Special Use authorizes issuance of a zoning permit.

**E. Conditions.**

The Planning Commission may impose reasonable conditions with the approval of a Special Use, pursuant to [Section 9.8](#) of this Ordinance.

**F. Performance Guarantee.**

The Planning Commission may require an applicant to provide a performance guarantee in connection with the approval of a Special Use, pursuant to [Section 9.5](#) of this Ordinance.

**G. Signed Copies of an Approved Site Plan or Plot Plan for a Special Use.**

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After approval, copies of the site plan submitted shall be signed and dated. One (1) copy shall be filed with the Building Inspector for a building permit, one (1) copy with the Township, and one (1) returned to the applicant with a card or other written statement specifying the terms of the zoning permit for posting on the premises during the progress of any construction authorized.

**H. Appeal.**

The decision of the Planning Commission concerning a Special Use may be appealed by a person aggrieved by the decision; by an officer, department, board, or bureau of the state of Michigan; or the Township, to the Zoning Board of Appeals. Request for appeal shall be made within thirty (30) days of the decision by the Planning Commission.

**I. Conformance.**

Permits issued on the basis of plans and applications approved by the Zoning Administrator or Planning Commission shall apply only to those uses, arrangements, and construction authorized in the permit. All other uses and structures at variance with the authorized permit shall be deemed in violation of this Ordinance and punishable as provided in [Section 9.9](#).

**J. Rehearing.**

A rehearing may be granted pursuant to [Section 9.10](#).

**K. Amendment to an Approved Special Use.**

Minor amendments to a previously-approved Special Use may be approved by the Zoning Administrator with no public hearing or public hearing notice required. Minor amendments are listed in [Section 5.7](#). Amendments which are not classified as minor in accordance with [Section 5.7](#) shall be processed in the same manner as a new Special Use.

**Section 6.3 Special Use Review Standards**

Special Uses shall be subject to the following requirements in addition to the requirements and standards of the zoning district where located, in order to prevent conflict with or impairment of the principal permitted uses of the zoning district.

**A. Parcel Size.**

The site shall meet the minimum lot size for the zoning district in which it is located, or if a nonconforming lot, the size shall accommodate use, customary accessory uses, and on-site services (sewage disposal and water supply).

**B. Water Supply and Sewage Disposal.**

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1. The water supply and sewage disposal system shall be adequate for the proposed use and the Special Use shall not negatively impact the quality and quantity of water resources and domestic water supplies.
2. The site shall have the capacity to absorb the anticipated sewage disposal demand.

**C. Adjacent Uses.**

1. The use, location and size of use, and the nature and intensity of operations shall not be such as to disrupt the orderly and proper development of the district as a whole, or be in conflict with, or discourage the principal permitted uses of adjacent or neighboring lands and buildings.
2. The proposed Special Use will not involve uses, activities, processes, materials, or equipment that will create a substantially negative impact on other properties in the areas by reason of traffic (vehicular or pedestrian), deliveries, noise, smoke, fumes, glare, odors, hours of operation, or the accumulation of scrap material that can be seen from any public road or seen from any adjacent land owned by another person.
3. The use shall not significantly diminish the value of land, buildings, or structures in the neighborhood or increase hazards from fire or other dangers to either the property or adjacent properties.

**D. Traffic.**

1. The use shall not significantly increase traffic hazards or cause congestion on the public highways and streets of the area. Adequate access to the use shall be furnished by either existing roads and highways or proposed roads and highways. Minor residential streets shall not be used to serve uses that have larger area-wide patronage.
2. Allowance shall be made for vehicles to enter and exit the use safely and signs, buildings, land uses, plantings, and similar features create no visibility impediments to drivers.
3. Entrance drives to off-street parking areas shall be no less than twenty-five (25') feet from a street intersection (measured from the road right-of-way) or from the boundary of a different Zoning District.

**E. Public Services.**

1. The proposed Special Use will not place demands on fire, police, or other public resources in excess of current capacity.
2. The proposed Special Use will be adequately served by public or private streets, utilities, and refuse collection and disposal services.

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**F. Natural Environment.**

The proposed Special Use will not involve uses, activities, processes, materials, or equipment that will create a substantially negative impact on the natural resources of the Township or the natural environment as a whole.

**G. General.**

1. The use shall not impair the purpose and intent of the Ordinance.
2. The property subject to the application is located in a zoning district in which the proposed Special Use is allowed.

**Section 6.4 Inspection**

The Zoning Administrator shall have the right to inspect any Special Use to ensure continued compliance with the conditions of the Special Use Permit.

**Section 6.5 Expiration or Revocation of a Special Use**

**A. Expiration of Special Use Permit.**

Special use approval shall expire one (1) year after the approval is granted, unless substantial construction of the approved development has begun within that time. Thirty (30) days prior to expiration of an approved Special Use Permit, an applicant may apply to the Planning Commission for a one (1) year extension of the Special Use Permit. The Planning Commission shall grant the requested extension for an additional one (1) year if it finds good cause for the extension and that the zoning regulations governing the Special Use approval have not changed since the approval.

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

The Special Use permit shall expire if replaced or superseded by a subsequent permitted use (except in the case where the Special Use is an accessory use on the premises) or a subsequent Special Use permit or if the applicant requests the rescinding of the Special Use Permit.

**C. Abandonment of Special Use.**

If a property owner has an intent to abandon a special use permit and in fact abandons this special use permit for a period of one (1) year or more, then the special use permit shall be deemed abandoned and any subsequent use of the property shall conform to the requirements of this Ordinance. When determining the intent of the property owner to abandon a Special Use, the Zoning Administrator shall consider the following factors:

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

**D. Special Use and Transfer or Sale of Property.**

A Special Use does not expire on transfer or sale of the property unless the use has been determined by the Zoning Administrator to have been abandoned pursuant to [subsection C](#).

**E. Special Use Suspension or Revocation.**

If the conditions and stipulations of an approved Special Use (and plot plan or site plan, if they were required) are not being adhered to or in case of false statements or misrepresentations made in the application, the Township shall pursue enforcement procedures as a violation of the Zoning Ordinance.

<b>1</b> Purpose	<b>2</b> Definitions	<b>3</b> General Provisions	<b>4</b> District Regulations	<b>5</b> Site Plan Review & Plot Plans
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# Article 7

## Supplemental Regulations

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### Section 7.1 Purpose

The uses contained within this Article shall comply with the specific development standards listed for said

- |                             |                                   |                                  |                                       |  |
|-----------------------------|-----------------------------------|----------------------------------|---------------------------------------|--|
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use in this Article along with provisions listed elsewhere in this Ordinance. Uses marked with an “\*” in [Section 4.14 Full Table of Permitted and Special Uses](#) and in the individual district use tables are included in this Article.

## Section 7.2 Home Occupations & Cottage Industries

While the Township recognizes that many residents feel the necessity to work at home, the Township also recognizes the right of all residents to be free from actual or potential nuisance which may be caused by commercial activities conducted in a non-commercial district. The intent of this Section is to ensure that any home occupation or cottage industry is compatible with other uses in the non-commercial districts and to maintain and preserve the non-commercial character of the neighborhood.

### A. Subordinate Use.

The home occupation or cottage industry shall be clearly incidental and subordinate to the principal use of the premises for non-commercial purposes.

### B. Appearance of Structure; Sign.

1. The exterior appearance of the structure shall not be altered or the home occupation or cottage industry shall be conducted in a manner which would substantially alter the premises’ non-commercial character.
2. The dwelling may have one (1) additional non-illuminated sign (beyond what it is allowed by [Section 3.30](#) for residences) in conformance with the standards of [Section 3.30](#).

### C. Buildings.

1. **Principal Dwelling.** A home occupation or cottage industry shall not occupy more than twenty-five (25%) percent of the ground floor area of the dwelling unit.
  - a. Any home occupation or cottage industry exceeding twenty-five (25%) percent of the floor area of the dwelling unit shall be subject to Special Use Permit.
2. **Accessory Buildings.** One hundred (100%) percent of an accessory building may be utilized as a home occupation or cottage industry.

### D. Employees.

1. **Home Occupations.** The home occupation shall be conducted by the person or persons occupying the premises as their principal residence. One (1) person who does not reside on the premises may be employed.

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2. **Cottage Industries.** The maximum number of employees that do not physically reside on the premises containing the Cottage Industry shall be evaluated and determined at the time of Special Use approval based on a finding that the number of employees sought by the applicant is customary for the type of Cottage Industry under consideration, there is adequate off-street parking on the property to accommodate the number of employees, and the number of employees sought will not have a significantly adverse impact on the neighborhood..

**E. Nuisance Not Created.**

A home occupation or cottage industry shall not constitute a nuisance or annoyance to adjoining residents by reason of noise, dust, glare, heat, smoke, fumes, odor, vibrations, unsanitary conditions, excessive traffic, fire hazards, or electrical disturbance. There shall be no discharge of polluting materials, fluids, or gases into the ground or surface water, soil, or atmosphere.

**F. Traffic and Parking.**

Vehicular and pedestrian traffic generated by the home occupation or cottage industry shall not exceed that which would normally be expected in a residential neighborhood, and the need for parking shall be met off-street.

1. **Home Occupations.** There shall be no off-street parking shall be permitted within the setback area.
2. **Cottage Industries.** Off-street parking shall be provided for employees of a Cottage Industry. The amount of additional off-street parking for clients and customers shall be approved as part of the Special Use Permit.

**G. Hours.**

The home occupation or cottage industry shall not be open to the public earlier than 8:00 a.m. nor later than 8:00 p.m.

**H. Outside Display and Storage.**

1. **Home Occupations.** There shall be no open display or storage of goods, materials, equipment, machinery, or services in connection with a home occupation.
2. **Cottage Industry.**
  - a. **Unfinished Goods.** Outdoor storage of unfinished goods and/or materials shall be screened (by a tight-board wood fence or decorative masonry wall, landscaped buffer, landscaped berm, or similar method) from view from neighboring property and bordering road rights-of-way. If screening is required, the type and location of the same shall be approved by the

<b>1</b> Purpose	<b>2</b> Definitions	<b>3</b> General Provisions	<b>4</b> District Regulations	<b>5</b> Site Plan Review & Plot Plans
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Planning Commission. Screening is not required if the outdoor storage area is not visible from neighboring properties or public rights-of-way.

- b. **Finished Goods.** The Planning Commission may permit the display of finished goods as part of the approval process.

**I. Compliance, Inspections, and Violations.**

1. Upon written application by the owner, the Planning Commission may, for just cause, grant a time extension for compliance with the conditions of this Section.
2. Any Home Occupation or Cottage Industry shall be subject to periodic review by the Zoning Administrator, if needed, at the discretion of the Zoning Administrator.
3. Proposed revisions or additions to a home occupation or cottage industry shall constitute a change of use and shall be subject to a new review and approval unless it falls under the definition of a minor amendment as indicated by [Section 5.7](#) and as determined by the Zoning Administrator.

**Section 7.3 Bed & Breakfasts/Tourist Homes**

While this Ordinance is established to enable single-family dwelling units to be used as bed and breakfast/tourist home operations, it is the intent of the Planning Commission to preserve the character of the residential district in which the operation is located. A bed and breakfast/tourist home operation is a subordinate use to a single-family dwelling unit subject to the following conditions:

- A. A bed and breakfast/tourist home operation shall be confined to the single-family dwelling unit, and the operator shall live on the premises when the operation is active.
- B. The number of rooms available for guests shall be limited to four (4). Each guestroom shall be equipped with a separate functioning smoke detector alarm, and a fire extinguisher in proper working order shall be installed and maintained on every floor. Guests shall have access to lavatory and bathing facilities.
- C. Two (2) off-street paved or graded parking spaces shall be provided for the operator of the bed and breakfast/tourist home, plus one (1) parking space for each available guestroom and one (1) for any non-resident employee.
- D. The dwelling unit shall have no exterior evidence, other than one (1) non-illuminated permanently installed sign and the sign shall be in conformance with the requirements of this Ordinance.
- E. Breakfast may be served only to overnight guests and in accordance with state and county public health regulations regarding bed and breakfast facilities.

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- F. Any number of dwelling residents may assist with the bed and breakfast/tourist home operation, but not more than two (2) non-resident employees may be hired.
- G. The bed and breakfast/tourist home operation shall produce no excessive noise, traffic, glare, or other nuisance that would be detrimental to the character of the neighborhood.
- H. Persons operating a bed and breakfast/tourist home shall apply for and receive a permit from the Zoning Administrator prior to commencing operations. Bed and breakfasts/tourist homes are subject to inspection by the Zoning Administrator.

**Section 7.4 Accessory Dwelling Units/Guest Houses**

Accessory dwelling unit includes the term “guest house.” Accessory dwelling units, as defined in [Article 2](#), shall comply with the following regulations:

**A. Residence and Incidental Use.**

The accessory dwelling unit shall be clearly incidental to the principal residence on the site. Accordingly, the following conditions shall be met:

1. Accessory dwelling units shall be established on owner-occupied properties only.
2. The minimum dwelling unit size standards in [Article 4](#) do not apply to accessory dwelling units.
3. The accessory dwelling unit may be a detached structure or may be attached to another building on the property including the principal dwelling or an accessory building.
4. Accessory dwelling units shall meet the required setbacks for the principal building.
5. Accessory dwelling units shall meet the current Montmorency County Building Code.

**B. Compatibility with Surrounding Land Use.**

The design of the accessory dwelling unit shall not detract from the single-family character and appearances of the principal residence or the surrounding neighborhood.

**C. Parking and Access.**

In addition to required parking for the principal residence, one (1) additional parking space shall be provided for each accessory dwelling unit.

<b>1</b> Purpose	<b>2</b> Definitions	<b>3</b> General Provisions	<b>4</b> District Regulations	<b>5</b> Site Plan Review & Plot Plans
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**Section 7.5 Campgrounds/RV Parks**

- A. The minimum lot size shall be ten (10) acres.
- B. The lot shall provide direct vehicular access to a public street or road. The term "lot" shall mean the entire campground or RV park.
- C. All sanitary stations, privies, or any sanitary facilities shall be located not less than one hundred (100') feet from applicable lot lines.
- D. Campground perimeter shall be completely screened from adjacent property by natural terrain, a neatly finished and well-maintained wooden or masonry fence, or by well-maintained live evergreens. Screening is not required if the campground is not visible from the neighboring property. Screening is not required along the public right-of-way.
- E. Campsites shall be located not less than fifty (50') feet from applicable lot lines.

**Section 7.6 Car Washes**

- A. All washing activities must be carried on within a building.
- B. Vacuuming activities may be carried out in the rear yard and at least fifty (50') feet distance from any adjoining residential use. In lieu of providing this requirement, screening, pursuant to [Section 3.23](#), may be erected in a manner that will shield residential uses from undue noise pollution due to said vacuuming activities.
- C. The entrances and exits of the facility shall be from within the lot and not directly to or from an adjoining street or alley. A street or alley shall not be used as maneuvering or parking spaces for vehicles to be serviced by the subject facility.

**Section 7.7 Businesses with Drive-Through Services**

- A. The main and accessory buildings shall be set back a minimum of forty (40') feet from any adjacent right-of-way line or lot line.
- B. On the sides abutting or adjacent to a residential district or use, screening shall be provided pursuant to [Section 3.23](#).

**Section 7.8 Gas & Oil Processing Facilities**

- A. The facility shall comply with all federal, state, and local building, environmental, and health codes and regulations.

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- B. Because the subject facilities are industrial in nature, the required site plan shall also show adequate visual and sound privacy from adjacent property and public roads. Forested greenbelt, berms, attractive fence screen, landscaping, mufflers, insulation, or other contrivances may be used to ensure compliance with visual and sound privacy of the adjacent properties, pursuant to **Section 3.23**.
- C. If the Special Use Permit authorizing the facility has been abandoned pursuant to the requirements of **Section 6.5.C** of this Ordinance, then the existing facility shall be removed and the area restored to its original state. Further, the area shall be checked by an agency concerned with environmental protection to ensure it is clear of pollutants.
- D. The facility shall not produce sound levels that because of volume or frequency of occurrence annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of any reasonable person of normal sensitivities.
- E. The facility shall be built no closer than four hundred and fifty (450') feet from an abutting lot line.
- F. The facility shall be built no closer than one hundred (100') feet from any public road.

**Section 7.9 Gas Stations & Automobile Repair Garages**

- A. Minimum lot size shall be twenty thousand (20,000 ft<sup>2</sup>) square feet for an auto repair garage and fifteen thousand (15,000 ft<sup>2</sup>) square feet for a gas station.
- B. Minimum lot width shall be one hundred twenty (120') feet for an auto repair garage and one hundred (100') feet for a gas station.
- C. An automobile repair garage or principal building for a gas station shall be located not less than forty (40') feet from the street right-of-way or less than twenty-five (25') feet from the side or rear lot line of any adjoining residential property or less than ten (10') feet from the side or rear lot line of adjoining commercial or industrial property. On a corner lot, both street frontage sides shall be located not less than forty (40') feet from the street right-of-way.
- D. No ingress or egress to an automobile service station, public garage, or filling station, shall be closer than twenty-five (25') feet from any intersection or residential lot line abutting the property on which such facility is located.
- E. The entire lot, excluding those areas occupied by a building or landscaped areas, shall be hard-surfaced with concrete or a plant mixed bituminous material.
- F. All lubrication equipment, hydraulic hoists, and pits shall be completely enclosed within a building.
- G. All gasoline pumps and canopy overhang shall be located not less than twenty-five (25') feet from any lot line and shall be arranged so that motor vehicles may be provided easy egress and ingress to and

<b>1</b> Purpose	<b>2</b> Definitions	<b>3</b> General Provisions	<b>4</b> District Regulations	<b>5</b> Site Plan Review & Plot Plans
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from the adjoining street, and so that no portion of the vehicle while it is stopped for service, shall overhang onto a sidewalk, curb, street, or public right-of-way.

- H. When abutting residential property, a six (6') foot masonry wall, obscuring fence, or landscape screen shall be constructed parallel to the lot line of such residential property. A fixed curb or other barrier to prevent vehicular contact shall protect all masonry walls.
- I. All outside storage areas for trash, used tires, auto parts and a six (6') foot masonry wall shall enclose similar items. Outside storage or parking of disabled, wrecked, or partially dismantled vehicles shall be allowed for a period not to exceed fifteen (15) days.
- J. The sale or rental of used or new vehicles, including trailers or recreational vehicles on the premises, is permitted subject to Special Use approval.

**Section 7.10 Kennels, Veterinary Hospitals, Animal Shelter/Rescue**

- A. All kennels or veterinary hospitals shall be operated in conformance with county and state regulations.
- B. Buildings wherein animals are kept, animal runs, and/or exercise areas shall not be located nearer than five hundred (500') feet to any abutting lot line.
- C. The facility shall be so constructed and maintained that odor, dust, noise, or drainage shall not constitute a nuisance or hazard to adjoining premises.
- D. All principal use activities shall be included within an enclosed principal building, except for an outdoor fenced run area.
- E. For dog kennels, the minimum lot size shall be one (1) acre for the first ten (10) animals, and an additional one (1) acre for each additional ten (10) animals.

**Section 7.11 Food Trucks**

- A. Food trucks regulated by this Section are intended to be stationary establishments. These regulations do not apply to mobile food trucks which distribute goods as they are driving throughout the community (i.e. mobile ice cream trucks).
- B. Zoning approval is required for food trucks. The property owner shall submit a plot plan pursuant to [Section 5.2](#). The plot plan shall show the planned parking for any food trucks on a lot as well as all planned outdoor seating. If a property owner has a lot large enough to accommodate more than one (1) food truck, only one (1) zoning approval is required for all of the food trucks on the property.
- C. Food trucks may be placed as stand-alone units on a property without a principal building or may be placed on a lot in conjunction with a principal building.

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- D. Grease and liquid waste may not be disposed of in storm drains, sanitary sewer systems, or public streets.
- E. All areas of the lot shall be kept clean and free of debris.

## Section 7.12 Manufactured Housing Communities

Manufactured housing communities shall be permitted provided the following conditions are satisfied:

- A. Manufactured housing communities for the location of three (3) or more manufactured or mobile homes shall be developed pursuant to the requirements of The Mobile Home Commission Act, [1987 PA 96](#), as amended, and shall be licensed by the [State of Michigan](#) according to the Act.
- B. **Roads.** Internal roads in manufactured housing communities shall have access to a public thoroughfare or be connected to such road by a permanent easement, shall be hard surface, and shall follow additional requirements of [Manufactured Housing Commission Rules 920-923](#).
- C. **Parking.** Each home site shall be provided with two (2) parking spaces. A minimum of one (1) additional parking space for every three (3) home sites for visitor parking shall be provided within five hundred (500') feet of the home sites. Additional parking requirements per [Manufactured Housing Commission Rules 925-926](#) shall be followed.
- D. **Layout.** The layout of the manufactured housing communities and included facilities shall be in accordance with acceptable planning and engineering practices and shall provide for the convenience, health, safety, and welfare of the residents.
- E. **Perimeter Screening.** An obscuring wall, fence, or landscape screen not less than four (4') feet nor more than six (6') feet in height may be provided on all sides of the manufactured housing development, with the exception of that portion providing ingress and egress to the development.
- F. **Installation.** Units shall be attached to a [Michigan Manufactured Housing Commission](#) approved foundation or basement and anchoring system, and shall be installed according to manufacturer's setup instructions.
- G. **Setbacks.** Manufactured housing units shall be placed in such a manner as to provide a minimum safe distance on all sides from neighboring units and other structures, according to the [Manufactured Housing Commission Rules 941 and 944](#).
- H. **Recreation and/or Open Space.**

A manufactured housing community that contains fifty (50) or more home sites shall have not less than two (2%) percent of the development's gross acreage designated as open space, but not less than twenty-

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five thousand (25,000 ft<sup>2</sup>) square feet. Such area (including accompanying equipment) shall be developed and maintained by the management to provide safe and healthful recreation for residents of the development.

### Section 7.13 Sexually Oriented Businesses

- A. No sexually oriented business shall be permitted in a location in which any principal or accessory structure, including signs, is within one thousand five hundred (1,500') feet of any principal or accessory structure of another sexually oriented business.
- B. No sexually oriented business shall be established on a parcel that is within one thousand five hundred (1,500') feet of any parcel zoned Rec 1, R-2, R-3, or R-4.
- C. No sexually oriented business shall be established on a parcel within one thousand five hundred (1,500') feet of any residence, park, school, childcare organization, place of worship, or other sexually oriented business. The distance shall be measured in a straight line from the nearest lot line upon which the proposed sexually oriented business is to be located to the nearest lot line of the residence, school, childcare organization, place of worship, or other sexually oriented business.
- D. The proposed use shall conform to all specific density and setback regulations, etc. of the zoning district in which it is located.
- E. The proposed use must meet all applicable written and duly adopted standards of the Township and other governments or governmental agencies having jurisdiction, and that to the extent required, the approval of these governments and/or governmental agencies has been obtained or is reasonably assured.
- F. The outdoor storage of garbage and refuse shall be contained, screened from view, and located so as not to be visible from neighboring properties or adjacent roadways.
- G. Any sign or signs proposed for the sexually oriented business must comply with the provisions of this Ordinance, and shall not otherwise include photographs, silhouettes, drawings, or pictorial representations of any type, or include animated or flashing illumination.
- H. Entrances to the proposed sexually oriented business must be posted on both the exterior and interior walls, in a location clearly visible to those entering and exiting the business. Lettering no less than two (2") inches in height shall state: 1) "Persons under the age of 18 are not permitted to enter the premises", and 2) "No alcoholic beverages of any type are permitted within the premises unless specifically allowed pursuant to a license duly issued by the Michigan Liquor Control Commission."
- I. No product or service for sale or gift, or any picture or other representation of any product or service for sale or gift shall be displayed so as to be visible from the nearest adjoining roadway or a neighboring property.

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- J. Hours of operation shall be limited to 8:00 AM to 12:00 midnight.
- K. All off-street parking areas shall be illuminated during all hours of operation of the sexually oriented business, and until one (1) hour after the business closes.
- L. Any booth, room, or cubicle available in any sexually oriented business, except an adult motel, used by patrons for the viewing of any entertainment characterized by the showing of Specified Anatomical Areas or Specified Sexual Activities:
  - 1. Is handicap accessible to the extent required by the **Americans with Disabilities Act**;
  - 2. Is unobstructed by any door, lock, or other entrance and exit control device;
  - 3. Has at least one side totally open to a public, lighted aisle so that there is an unobstructed view at all times from the adjoining aisle of any occupant;
  - 4. Is illuminated by a light bulb of wattage of no less than twenty-five (25) watts;
  - 5. Has no holes or openings in any side or rear walls.

**M. Review Procedure for Sexually Oriented Businesses.**

The Planning Commission shall adhere to the following procedures when reviewing a Special Use application for a sexually oriented business.

- 1. Once a complete application has been submitted, the Planning Commission shall within sixty (60) days after the submission make and adopt specific findings with respect to whether the proposed sexually oriented business is in compliance with the standards designated in this Section, **Section 5.5** and **Section 6.3**. If the Planning Commission has not made and adopted findings of fact with respect to a proposed sexually oriented business and either approved or denied the issuance of a Special Use for the same within sixty (60) days of its determination that a completed application has been filed, then the Special Use shall be deemed to have been approved.
- 2. Prompt judicial review of adverse determination: If the Planning Commission denies a Special Use application for a sexually oriented business pursuant to the above subsections, then the applicant shall be entitled to prompt judicial review by submitting a written request to the Zoning Administrator. The Township shall within seven (7) business days of the receipt of such written notice do the following:
  - a. File a petition in the Circuit Court for the County of Montmorency seeking a judicial determination with respect to the validity of such denial and, in conjunction therewith, apply for a preliminary and permanent injunction restraining the applicant from operating the sexually oriented business in violation of the Township Zoning Ordinance.

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- b. Request that the application for issuance of a preliminary injunction be set for a show-cause hearing within five (5) business days or as soon thereafter as is possible after the filing of such petition. In the event the applicant appears at or before the time of such show-cause hearing, waives the notice otherwise provided by Michigan Court Rules, and requests that at the time set for such hearing the Court proceed to hear the case under applicable rules of civil procedure for the issuance of such permanent injunction on its merits, the Township shall be required to waive its application for preliminary injunction and shall join in such request.

In the event that the applicant does not waive notice and/or does not request any early hearing on the Township's application for permanent injunction, it shall never the less be the duty of the Township to seek the earliest possible hearing date under Michigan law and the Michigan Court Rules. The filing of written notice of intent to contest the Planning Commission's denial of a Special Use shall not in any way affect the validity of such denial, but such denial shall be deemed invalid and the Special Use application automatically approved if, within fifteen (15) business days of the filing of the Township's petition, a show-cause hearing has not been scheduled.

**Section 7.14 Soil, Clay, Sand, Gravel or Similar Material - Removal or Filling**

- A. The Planning Commission shall comply with Section 125.3205 of the [Michigan Zoning Enabling Act, 2006 PA 110](#), as amended, in the regulation of extraction of natural resources.
- B. From and after the effective date of this Ordinance, it shall be unlawful for any person, firm, corporation, partnership, or any other organization or entity to strip any topsoil, sand, clay, gravel, or similar material, or to use lands for filling within the Township (except for ordinary landscaping activities) without first submitting a site plan and procuring approval from the Planning Commission.
- C. A separate site plan approval will not be required for excavation or fill activities associated with building construction pursuant to a duly issued building permit. However, where sand, gravel, topsoil, or other substances are removed from the site where found and taken to another site, site plan approval is needed for the receiving site if located within the Township.
- D. A separate site plan shall be required for each separate excavation or fill site and shall include:
  - 1. Names and addresses of parties interested in said premises setting forth their legal interest in said premises.
  - 2. Full legal description of the premises where operations are proposed. Detailed proposal as to method of operation, what type of machinery or equipment will be used, and estimated period of time that such operation will cover.
  - 3. Detailed statement as to exactly what type of material is proposed to be extracted or deposited.

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- 4. Proposed method of filling, excavation, and/or other means to be used to allow for the reclamation of lands to a usable purpose.
- 5. Such other information as may be reasonably required by the Planning Commission to base an opinion as to whether the site plan should be approved or not.
- E. All excavation, topsoil removal, or mining operations shall be in compliance with regulations by the State of Michigan concerning waterways, floodplains, and soil erosion and sedimentation control.
- F. All fill sites shall be restored with enough topsoil to support growth of cover vegetation.
- G. Where in the opinion of the Planning Commission, there is a reasonable danger involved for persons and property, adequate fencing and other measures may be required to insure the health, safety, and general welfare of Township residents.

**Section 7.15 Airports, Aircraft Landing Fields**

- A. Privately owned and maintained non-commercial aircraft landing strips, more or less parallel to a lot line abutting a public road, shall be set back from said lot line for a minimum distance of two hundred (200') feet. Where a privately owned landing strip is situated more or less perpendicular to a lot line abutting public road, such landing strip shall be separated from said lot line by a distance of at least four hundred (400') feet.
- B. All privately owned and maintained aircraft landing strips shall be at least two hundred and fifty (250') feet from all other buildings not designed as accessory structures for said aircraft landing strip. The ends of any landing strip shall further be one thousand (1,000') feet from any lot line except lot line abutting a road addressed in **subsection A**.
- C. All other aircraft landing fields or airports must conform to applicable federal and state regulations and be approved by appropriate federal and state agencies prior to submittal of a site plan to the Planning Commission.

**Section 7.16 Drive-In Theaters**

- A. Premises shall be enclosed with a solid fence at least five (5') feet in height.
- B. All points of entrance or exit shall be located no closer than five hundred (500') feet to any street or road intersection (as measured to the nearest intersection lot lines).
- C. Space shall be provided, on-premises, for thirty (30) waiting vehicles to stand at the entrance to the facility.
- D. The theater screen shall not be visible to a state or county primary road or any residential district.

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**Section 7.17 Private Swimming Pools**

- A. A private swimming pool shall be located only in the side or rear yard.
- B. Minimum side and rear setback shall comply with required setbacks specified for the zoning district wherein the pool is located.

**Section 7.18 Stables (Non-Commercial)**

- A. Animals shall be confined in a suitable fenced area, or paddock, to preclude their approaching nearer than one hundred (100') feet to abutting lot line.
- B. The facility shall be so constructed and maintained that odor, dust, noise, or drainage shall not constitute a nuisance or hazard to adjoining premises.
- C. The minimum lot size shall be ten (10) acres.

**Section 7.19 Farm Markets/Roadside Stands**

- A. Suitable containers for rubbish shall be placed on the premises for public use.
- B. The temporary buildings shall be located not less than twenty (20') feet from the public road right-of-way. Its height shall be no more than one (1) story.
- C. Off-street parking may be provided in the required front yard setback area, and shall be constructed in accordance with [Section 3.29](#) except hard-surfacing shall not be required.

**Section 7.20 Junkyards/Salvage Yards/Scrap Yards/Motor Vehicle Impoundment & Wrecking Yards**

- A. Junkyards, salvage yards, and scrap yards may be established and maintained in accordance with all applicable statutes and rules of the State of Michigan.
- B. The setback from the front lot line to the area upon which junk materials are stored shall be not less than one hundred (100') feet and said area shall be screened from the roadway and from any adjoining residential or business uses by an obscuring fence at least eight (8') feet in height. Said fence to be kept uniformly painted, neat in appearance, and shall not have any signs or symbols painted on it. Junk, trash, and refuse shall not be piled higher than the top of the fence.
- C. All structures and fencing and used material storage yards shall be set back not less than one hundred (100') feet from any street or highway right-of-way.
- D. Minimum lot size shall be ten (10) acres.

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- E. Activity that generates continuous and persistent noises or vibrations that are perceptible from off the site shall not be permitted before the hours of 8:00 a.m. and after 6:00 p.m. and no such activity shall operate on Sundays.
- F. Open burning shall not be permitted except by state permit, and it shall comply with this subsection.
- G. Glare from any process, such as arc welding, which emits harmful rays shall be screened so as not to constitute a hazard or nuisance to adjacent properties.
- H. No oils, lubricants, or other liquids from vehicles, machinery, equipment, or other materials, shall be disposed of on-site unless State of Michigan-approved facilities are properly in place and properly functioning. No burial of wastes shall be permitted on the property under this Section unless in compliance with State of Michigan regulations.
- I. The applicant shall state in writing and/or illustrate how potentially hazardous liquids are to be prevented from entering the groundwater and present a written plan for handling and disposal of such hazardous liquids.
- J. The applicant may be required to provide a written contingency plan for hazardous/toxic spills. The Planning Commission may require a roofed work area with an impervious floor with floor drain collection system.
- K. Once approved, no other portion of the property shall be used for activities regulated herein without an amended site plan and Special Use approval, and there shall be no presumption that any usage beyond that in the original permit would be approved.

**Section 7.21 Waterfront Development Density Limitations**

- A. This Section is intended to limit the number of users of the lake or stream frontage to preserve the quality of the waters and to preserve the quality of the recreational use of all waters in the township. The restrictions below shall apply to any parcel regardless of whether access to the water shall be gained by easement, common fee ownership, single fee ownership, condominium agreement, or lease. The limitation of residential density shall be included in all deeds, in deed restrictions covering the applicable property that run with the land, and /or in the master deed to a condominium development
- B. Any residential development which shares common lakefront or stream frontage may not permit a greater density ratio than one (1) single-family home, cottage, condominium unit, or apartment per one hundred (100') feet of lake or stream frontage held in common ownership. The lake or stream frontage shall be measured along the ordinary high water mark of the lake or stream. The owner or developer shall provide the Planning Commission with evidence that the limitation of residential unit density shall be included in the deed.

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- C. All waterfront common use areas shall provide side yard buffer areas to reduce the impacts of common use lake access on adjacent riparian properties. Existing natural vegetation shall be maintained to provide immediate buffering and screening. Additional landscaping may be required by the Planning Commission within the buffer area, where necessary to achieve an adequate buffer.

### Section 7.22 Golf Courses

- A. The minimum lot size shall be forty (40) acres.
- B. The principal and accessory buildings shall be set back at least seventy-five (75') feet from all lot lines.
- C. Areas for vehicular parking shall be maintained on course property. Adequate parking spaces shall be provided for all anticipated rates of course usage or capacity.

### Section 7.23 Convalescent/Nursing Homes

- A. The minimum lot size shall be two (2) acres.
- B. The lot location shall be such that at least one (1) lot line abuts a paved county primary road. The ingress and egress for off-street parking areas for guests and patients shall be directly from said county primary road.
- C. The principal and accessory buildings shall be setback at least fifty (50') feet from all lot lines.
- D. The facility shall be designed to provide a minimum of one thousand five hundred (1,500 ft<sup>2</sup>) square feet of open space for every bed used or intended to be used. This open space shall include landscaping and may include off-street parking areas, driveways, required setbacks, and accessory uses.

### Section 7.24 Commercial Events Facilities

- A. **Standards.**
  1. Restaurants and hotels with banquet facilities where commercial event facilities are accessory to the principal use shall not be subject to this Section.
  2. **Parking.** No vehicles associated with the event shall be permitted to be parked on public or private roadways. All vehicle parking shall be maintained "on site." "On-site" is defined as at least one hundred (100') feet from the property boundaries of the parcel on which the event is permitted. Adequate parking shall be provided for the guests of the event and those employed in support of the event. At a minimum, at least one (1) parking space for every four (4) persons attending the event shall be provided for on-site parking. The Planning Commission is authorized to take into account, to the extent it deems practicable, the joint use of parking spaces that may exist for a golf course, public restaurant, or other operations on the property during the time of

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events. The Planning Commission may approve, in its discretion, the use of off-site parking as an alternative with transportation provided to the site by attendees through a commercial transportation service. The use of off-site parking may be granted if it is determined that there is not sufficient space on the lot for on-site parking and that the use of a transportation service will provide a safe method of transportation.

3. **Setbacks.** The general event area (the actual location(s) in which the gathering is to occur) shall be located three hundred (300') feet from adjacent owners' lot lines. All activities associated with the use are to be included within the general event area, the only exception being the parking as allowed by **subsection A.2** above.
4. **Hours of Operation.** Year-round operations may be authorized. Events shall commence no earlier than 10 AM and shall terminate no later than midnight. However, the Planning Commission shall have the power to modify the commencement and termination times for a particular site based upon the specifics of the application pursuant to **subsection B.3**. For purposes of this Section, "termination" shall mean the termination of food, drinks, service, and entertainment, with the understanding that attendees and servers will need a reasonable amount of time after termination to exit the premises.
5. **Amplified Sound.** Sources of amplified sound, including but not limited to recorded music, live musical performances, and spoken word, shall commence no earlier than 12:00 PM, shall be terminated by 11:00 PM. The Planning Commission shall have the power to modify the time limits for amplified sound for a particular site based on the specifics of the application pursuant to **subsection B.3**. Enclosed buildings, tents, pavilions, and other open/non-enclosed structures shall be considered an acceptable location for the source of amplified sound as referenced in this Section. Strict consideration shall be afforded to the maintenance of ambient outdoor noise levels at the property boundaries.
6. **Overnight Accommodations.** No overnight accommodations shall be provided in temporary structures such as tents or recreational vehicles unless the Planning Commission approves a deviation from this standard pursuant to **subsection B.3**. Any Commercial Event Facility which provides overnight accommodations must comply with all applicable codes and laws related to the provision of said accommodations.
7. **Capacity.** The number of persons allowed at each event for a proposed Commercial Event Facility shall be compatible with the proposed facilities and infrastructure for each site.
8. **Sanitary Facilities.** Adequate sanitary restroom facilities shall be provided on-site, and the type and location of such facilities shall be subject to the approval of the Planning Commission and **District Health Department**.
9. **Number of Events.** The Planning Commission may limit the number of events allowed per year.

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10. **Ingress/Egress.** The site of the Commercial Event Facility shall have at least two (2) means of egress, at least one (1) of which is adequate for emergency vehicles as determined by the Planning Commission in consultation with emergency responders based on its width, length, surface, and ability to support the gross vehicle axle weight of emergency vehicles.
11. **Buffers.** The Planning Commission may require appropriate buffers between the Commercial Event Facility and adjoining properties given the size of parcel, the natural topography, and vegetative cover.
12. **Outdoor Seating.** Seating for events may occur outdoors, under a fabric structure temporarily constructed on the property, or in an event barn or other structure.

**B. Submittal Requirements.**

1. In addition to the requirements in [Section 5.4: Site Plan Data Required](#), the site plan must show the area of the event, parking, temporary structures, and sanitation facilities.
2. **Event Management Plan.** An event management plan shall be prepared and submitted to the Planning Commission for review and approval. The plan shall include provisions for traffic and parking management, hours of operation, noise abatement, toilet facilities, and the maximum number of guests. The plan shall also include a list of contacts for emergency situations.
  - a. Hours of operation must include setup and takedown times.
  - b. The event plan must provide expected maximum number of persons intended to use the property at one time and collectively, including organizers, employees, vendors, exhibitors, and spectators/participants.
  - c. The event plan must provide the expected number of automobiles and other vehicles intended to use the property at one time and collectively.
  - d. The event plan must provide certification that the property where the event is to take place is not subject to any covenant or restriction limiting its use, or if the use is restricted by easement or otherwise, a copy of a survey or diagram depicting the easement area and any reserved area where development rights are intact.
3. The Planning Commission may grant a deviation from any of the [subsections A.2 through A.6](#) above upon the following findings:
  - a. Granting the deviation will not cause a substantially adverse effect on neighboring properties and will not produce nuisance conditions to occupants of nearby properties.
  - b. Granting the deviation will not otherwise impair the public health, safety, and general welfare of the residents.

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- c. Granting the deviation will uphold the spirit and intent of this Ordinance.

A request for deviation shall be considered as part of the Special Use process. The need/reason for the deviation shall be provided, in writing, by the applicant. If a deviation is requested after the initial approval, a new approval process shall be required.

**Section 7.25 Marihuana**

**A. Medical Marihuana Primary Caregivers.**

1. **Intent and Purpose.** The purpose of this Section is to implement land use regulations to address the medical use of marihuana as authorized by the enactment of the **Michigan Medical Marihuana Act (hereinafter referred to as the "MMMA"), Initiated Law 1 of 2008**, MCL 333.26423, et seq, and its administrative rules, R 333.101, et seq.
2. **Relationship to Federal Law.** Nothing within this Section is intended to grant, nor shall it be construed as granting, immunity from federal law.
3. **Regulations for Primary Caregivers.** Medical marihuana primary caregiver facilities are hereby authorized as a use by right in any zoning district, provided that all of the following regulations are met:
  - a. The primary caregiver must be issued and at all times must maintain a valid registry identification card by the **Michigan Department of Licensing and Regulatory Affairs** or any successor agency under the provisions of the **MMMA**.
  - b. Except when being transported as provided in **subsection h** below, all marihuana plants or products must be contained within the primary caregiver facility in an enclosed, locked facility that segregates the marihuana plants and products for medical use for each qualifying patient and that permits access only by the primary caregiver.
  - c. If a room with windows within the primary caregiver facility is utilized to grow marihuana for medical use, any artificial lighting shall be shielded, to prevent glare, must not be visible from neighboring properties, and must not be visible from adjacent streets or public ways.
  - d. Except as provided herein, no more than one (1) primary caregiver shall be permitted to provide primary caregiver services within a single primary caregiver facility. Provided, however, a husband and wife or not more than two (2) unrelated individuals whose relationship is of a permanent and distinct domestic character and who live as a single, nonprofit housekeeping unit with single culinary facilities may both be primary caregivers within the same primary caregiver facility.

- e. Except for any qualifying patients who reside with the primary caregiver at the primary caregiver facility, no more than five (5) qualifying patients may be present at the same time at a primary caregiver facility for any purpose directly related to primary caregiver services. This subsection, however, shall not be construed to prohibit the presence of qualifying patients at a primary caregiver facility for purposes unrelated to primary caregiver services.
- f. Qualifying patient visits to a primary caregiver facility shall be restricted to between the hours of 8:00 a.m. and 8:00 p.m., except when (1) the qualifying patient resides with the primary caregiver at the primary caregiver facility, or (2) the qualifying patient visits are for purposes unrelated to primary caregiver services.
- g. No qualifying patients under the age of eighteen (18) shall be permitted at any time at a primary caregiver facility, except when (1) in the presence of his/her parent or guardian, (2) the qualifying patient resides with the primary caregiver at the primary caregiver facility, or (3) the qualifying patient visits are for purposes unrelated to primary caregiver services.
- h. No marihuana for medical use shall be dispensed by the primary caregiver to qualifying patients at the primary caregiver facility, except to a qualifying patient who resides with the primary caregiver at the primary caregiver facility. Except as provided herein, the primary caregiver shall deliver all marihuana for the medical use of such qualifying patient, and such delivery shall take place on private property away from public view. Any such delivery vehicle shall be unmarked and not bear any emblem or sign that would indicate the nature of its cargo. In addition, all marihuana for medical use delivered to a qualifying patient shall be packaged so the public cannot see or smell the marihuana.
- i. No marihuana for medical use shall be consumed, smoked, or ingested by a qualifying patient by any method at a primary caregiver facility, except by a qualifying patient who resides with the primary caregiver at the primary caregiver facility.
- j. A primary caregiver shall display at the primary caregiver facility indoors and in a manner legible and visible to his/her qualifying patients:
  - (1) A notice that qualifying patients under the age of eighteen (18) are not allowed at the primary caregiver facility, except when (a) in the presence of his/her parent or guardian, (b) the qualifying patient resides with the primary caregiver at the primary caregiver facility, or (c) the qualifying patient visits are for purposes unrelated to primary caregiver services, and
  - (2) A notice that no dispensing or consumption of marihuana for medical use shall occur at the primary caregiver facility, except to or by a qualifying patient who resides with the primary caregiver at the primary caregiver facility.

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- k. A primary caregiver facility shall not have any signage visible from the outdoors that would indicate the nature of the primary caregiver services being conducted in the primary caregiver facility.
- l. A primary caregiver facility shall not be located within one thousand five hundred (1,500') feet of the lot on which another primary caregiver facility is located and shall not be located within one thousand five hundred (1,500') feet of a lot on which any of the following uses are located:
  - (1) Any religious institution, church, or place of worship and its accessory structures.
  - (2) Any public or private school having a curriculum including kindergarten through 12<sup>th</sup> grade and its accessory structures.
  - (3) Any preschool, child care, or day care facility and its accessory structures.
  - (4) Any public facility, such as libraries, museums, parks, playgrounds, public beaches, community centers, and other public places where children may congregate.
- m. The portion of the primary caregiver facility, including any room or area utilized to grow marihuana for medical use, shall contain electrical service and wiring, certified by an electrician licensed in the State of Michigan, meeting the applicable requirements of the electrical code in effect in the Township.

**B. Recreational Marihuana.**

Marihuana Growers are permitted in the Agricultural District and the Industrial – A District, but only after obtaining a permit under the Avery Township Recreational Marihuana Establishment Ordinance.

**Section 7.26 Planned Unit Development**

**A. Purpose.**

The purpose of a Planned Unit Development (PUD) is to permit and encourage design flexibility using the Special Use permit procedure. It has the potential of eliminating the current single-family, large-scale residential design and substituting in its place a diversity of types and location of dwelling units, allowing a more efficient use of land for circulation, open space, and utilities. It is also intended to minimize adverse environmental impacts by harmonious utilization of the existing physical identity of the area. The PUD approach provides for recreational facilities within the development, enhances the ability of designers to coordinate architectural design and building placement, and upgrades the overall quality of new residential construction.

**B. Procedures for Application and Approval.**

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1. **Pre-Application Meeting.** The procedures for application and approval of a PUD permit shall include one (1) or more informal meetings pursuant to [Section 5.3.A](#). The applicant shall inform the Zoning Administrator of the applicant's general intentions at this time. The Zoning Administrator may request representatives from county and township agencies (fire department, county parks and recreation commission, county sheriff, county road commission, and other such agencies) to attend such informal conferences.
2. **Concept Plan Requirements.** The applicant shall submit, during the pre-application meeting, a concept plan including types and placement of residential structures; utilities and public facilities such as schools, fire departments, recreational facilities; minimum lot sizes; densities; environmental treatment; pedestrian and auto circulation; commercial and industrial areas, if applicable; conformity of the proposed development with surrounding uses; financing of the project; type of homeowners organization, if any; and all other information local administrative agencies may require to gain a satisfactory understanding of the proposed development.

**C. Preliminary Plan Requirements.**

1. Following the presentation of, and any deliberation pertinent to, the concept plan, the applicant shall submit a preliminary plan. The preliminary plan is specifically intended to include enough detail for administrative analysis for approval or denial of a Special Use Permit. The preliminary plan must be more detailed than the concept plan and contain the following:
  - a. A written document giving the legal description of the property as indicated in the deed of ownership; a statement of the objectives of the planned development including phasing of residential, public, and commercial areas; and future selling and/or leasing intentions and accompanying management techniques.
  - b. All information required for a site plan as stated in [Section 5.4](#).
  - c. Preliminary plan approval shall take place pursuant to the approval process in [Section 6.2](#).
  - d. The Planning Commission shall review the preliminary plan using the standards in [Section 5.5](#), [Section 6.3](#), and this Section.

**CI. Final Plan Requirements and Approval.**

1. **Time Period for Submittal of Final Plan.** Upon submittal of the preliminary plan to the Planning Commission and approval of a Special Use Permit by the Planning Commission, with or without recommended modifications and stipulations, the applicant must, within a period of three (3) months to one (1) year from the date of approval of the Special Use permit, present to the Zoning Administrator the final development plan. The Zoning Administrator shall submit the final, detailed plan to the Planning Commission, which shall review it within thirty (30) days of such submittal.

<b>1</b> Purpose	<b>2</b> Definitions	<b>3</b> General Provisions	<b>4</b> District Regulations	<b>5</b> Site Plan Review & Plot Plans
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**2. Final Plan Requirements.**

- a. The final plan is to encompass all the elements of the preliminary plan, plus all changes and/or conditions stipulated by the Planning Commission at the public hearing for the preliminary plan.
- b. The final plan shall include enough detail in written and graphic presentation to assure the Planning Commission that the proposed Planned Unit Development will conform to all state and local requirements as well as reflect, as closely as possible, the finished Planned Unit Development.
- c. The final plan should not deviate substantially from the approved preliminary plan. The final plan shall be in compliance with the preliminary plan if the following conditions have been met:
  - (1) The final plan does not violate the content of the Ordinance.
  - (2) The lot area requirement has not been changed by more than ten (10%) percent.
  - (3) Land reserved for open space (common and usable) has not been reduced by more than ten (10%) percent.
  - (4) The total building coverage has not increased by more than five (5%) percent.
- d. The final plan should include site plans applicable to legal recording criteria and engineering drawings. Drawings and plans presented in a general fashion in the preliminary stage shall be presented in detailed character in the final plan.
- e. Any modifications not included in the preliminary plan must be reviewed by the Planning Commission and legal documents, such as easements, agreements, the final draft of articles of incorporation, and any indentures, as well as dedications, shall be submitted by the applicant.

**3. Planning Commission Action.**

- a. The Special Use permit procedures in [Section 6.2](#) shall be followed. The Planning Commission and members of other appropriate agencies shall review the final development plan. The Planning Commission shall then approve the final plan, disapprove it or approve it with modifications.
- b. The Planning Commission has the authority to impose reasonable conditions pursuant to [Section 9.8](#).

<b>1</b> Purpose	<b>2</b> Definitions	<b>3</b> General Provisions	<b>4</b> District Regulations	<b>5</b> Site Plan Review & Plot Plans
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- c. Final approval of the PUD shall be based on compliance with all standards in **subsections E and F.**
- d. If the Planning Commission gives approval, the Zoning Administrator shall accept and record site maps and plans, dedicated streets, properties and open spaces, rights-of-way, and any additional dedications within the development.

**E. Design Requirements.**

Since the PUD concept is to allow more flexibility in design while retaining control through review procedures, the design standards incorporated into a PUD ordinance should be less structured than found in a standard residential zone or subdivision regulation, yet formal enough to insure desired performance. These design requirements also offer incentives to developers to invest in PUDs.

1. **Density.** Density increases can be allowed for Planned Unit Development over and above those allowed within each district. Since successful PUD design can occur in almost any sized area, the planned development shall not be allowed on any site of less than ten (10) acres. It should be controlled by one (1) owner or group of owners and be planned and developed as a single unit. Density increases are to be permitted as follows:
  - a. Character, identity, architectural, and siting variation incorporated in a development shall be considered cause for density increases not to exceed fifteen (15%) percent, provided these factors make a substantial contribution to the objectives of a Planned Unit Development.
  - b. The degree of distinctiveness and the desirable variation achieved shall govern the amount of density increase which the Planning Commission shall approve.
2. **Lot Size Variations.** Lot sizes shall be computed using gross acreage computations. Land utilized for public utilities, such as easements and flood plain areas, shall not be included in determining computations for gross development areas. A fixed percentage of streets within the proposed development shall be subtracted from the computed gross area figure, and the result shall be divided by the minimum lot requirements (after density bonuses have been arrived at by the methods described below) of the zoning district within which the PUD is located. The result will define the maximum number of residential units allowed.
3. **Open Space.** Open spaces are an important facet of the community's environment and character. The PUD approach is an efficient "tool" in preserving and enhancing open spaces, particularly recreational areas within residential developments. Open space shall be distinguished as private (for personal or family use), common (for use by all homeowners in the PUD), and public (open to all members of the general public).

The following open space requirements shall be adhered to in all PUDs to provide for the integration of efficient and extensive areas into the existing open space system of the community. These areas should be easily accessible to all residents of the PUD.

<b>1</b> Purpose	<b>2</b> Definitions	<b>3</b> General Provisions	<b>4</b> District Regulations	<b>5</b> Site Plan Review & Plot Plans
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- a. Required open space shall comprise at least forty (40%) percent of the total gross area. Not less than fifty (50%) percent of the net area of the property shall be open space devoted to planting, patios, walkways, and recreational uses, but excluding areas covered by dwelling units, garages, carports, parking areas, or driveways. Net area is defined as the site area less all land covered by buildings, streets, parking lots or stalls, driveways, and all other paved vehicular ways and facilities. Common open space shall comprise at least twenty-five (25%) percent of the gross area of the Planned Unit Development to be used for recreational, park, or environmental amenities for collective enjoyment by occupants of the development.
  - b. Active open spaces for recreational purposes should not be less than six thousand (6,000) square feet in area.
  - c. Any portions of the PUD site, if deemed environmentally significant, may, upon review by the Planning Commission, be preserved in their natural state.
4. **Homeowners Association.** Homeowners associations have the advantage of enabling the residents of a PUD to control, through ownership and maintenance, common open space areas and private streets, thereby eliminating or substantially decreasing maintenance costs to the Township. If the developer chooses to institute a homeowners association, the following minimum criteria must be met:
- a. The homeowners association must be set up before the homes are sold.
  - b. Membership must be mandatory for each homebuyer and any successive buyer.
  - c. The open space restrictions must be permanent, not just for a period of years.
  - d. The association must be responsible for liability insurance, local taxes, and the maintenance of recreational and other facilities.
  - e. Homeowners must pay their pro rata share of the cost; the assessment levied by the association can become a lien on the property.
  - f. The association must be able to adjust the assessment to meet changed needs.

The above stipulations have the advantage of insuring the economic viability of the homeowners association and preserving open space areas within the community.

The developer must file a restrictive covenant or master deed for a condominium development with the [County Register of Deeds](#) at the time the final plan is approved, guaranteeing those open spaces included in the final plan will remain open for their designated purposes, or for other open space uses desired by the homeowners association.

<b>1</b> Purpose	<b>2</b> Definitions	<b>3</b> General Provisions	<b>4</b> District Regulations	<b>5</b> Site Plan Review & Plot Plans
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5. **Environmental Design Requirements.** The Planning Commission shall require the following in accordance with applicable provisions of this Ordinance: The preservation of existing trees, predominant shrubbery, waterways, scenic viewing areas, historic points, flood plain preservation and the planting of vegetation, or placement of protective cover on slopes of twenty (20%) percent or greater to minimize hillside erosion resulting from residential development and consequent streets and walkways.
  
6. **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, separation of vehicles from pedestrians, and enhance the overall physical design of the PUD. Vehicular circulation systems in PUDs should be connected with external streets to encourage through traffic. Emergency access 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.
  
7. **Private Streets.**
  - a. Private streets must be designed to accommodate anticipated traffic loads including volume, vehicular weight and size, speed, emergency vehicles, and turning radii. Those developments with homeowners' associations may maintain private streets within the development through road maintenance agreements or provisions in the master deed of a condominium development. All private streets can deviate from existing public street standards if, upon review and recommendation by the fire chief, sheriff, county drain commission, road commission, and the Planning Commission authorizes such modifications within the PUD, and health, safety, and welfare requirements are met.
  
  - b. Private streets may be dedicated to the public street system if the owners of these streets fully agree to accept all expenses for any required upgrading to public street standards and agree to dedicate these streets without compensation by the Township. The following residential street standards should be adhered to unless the Planning Commission permits modification based on a finding that an alternate street standard would provide sufficient and safe circulation. These standards are commensurate with traffic flow and safety standards for various densities.

TYPE OF STREET	USES SERVED	REQUIRED FOOTAGE	
		Right-of-Way	Pavement
Residential dead end or local street	1-6 dwellings	30	18
	7-20 dwellings	40	24
	21-50 dwellings	50	30
Residential Collector	51-200 dwellings	60	36
Neighborhood Collector	Over 200 dwellings or any commercial use	60	36

8. **Parking Standards.** Parking standards are an important element of a PUD design process and should adhere to high design and safety standards. The following minimum requirements shall be adhered to:
  - a. For each dwelling unit, there shall be off-street parking spaces consisting of not less than two hundred (200 ft<sup>2</sup>) square feet each.
  - b. Parking areas shall be arranged so as to prevent through traffic to other parking areas.
  - c. Parking areas shall be screened from adjacent roads, structures, and traffic arteries with hedges, dense planting, earth berms, and changes in grade or walls.
  - d. No more than fifteen (15) parking spaces shall be permitted in a continuous row without being interrupted by landscaping.
  - e. No more than sixty (60) parking spaces shall be accommodated in any single parking area.
  - f. All streets and any off-street loading area shall be paved, and the design thereof approved by the Planning Commission; all areas shall be marked so as to provide for the orderly and safe loading, parking, and storage.
  - g. All parking areas shall adequately be graded and drained to dispose of all surface water without erosion, flooding, or other inconveniences.
  
9. **Perimeter Treatment.** To provide adequate separation between the PUD and the surrounding community, a minimum thirty (30') foot buffer zone shall be established on the perimeter of the development, in which no structures are to be located and adequate screening and landscaping or protection by natural features will be established. In those cases where, because of natural topography, this screening and landscaping requirement cannot be met, and adequate privacy and separation are not possible, the Planning Commission may require structures on the perimeter to be set back in accordance with the requirements established for the zoning district in which the PUD is located. Those structures within this category should be adequately screened or landscaped.

**F. General Standards.**

The principal advantage of a Planned Unit Development, flexibility in design, should be followed in determining general building and site standards. These should conform to minimum performance criteria rather than to specific building code dimensions and requirements found in established residential zones. The following standards shall be established in the determination of structural siting on lots; reduction of spacing is based upon standards within the existing zone.

<b>1</b> Purpose	<b>2</b> Definitions	<b>3</b> General Provisions	<b>4</b> District Regulations	<b>5</b> Site Plan Review & Plot Plans
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1. **Building Spacing.** When the building is designed to provide adequate privacy to its residents including adequate window space, there may be a reduction in the spacing of buildings. Those residents who have no windows or windows at higher levels and have adequate light and ventilation from other areas of the room may decrease building spacing. Residences incorporating effective utility spaces in side yards should be eligible for reduced separation between houses. Where building configuration incorporates the above criteria and have unusual shapes the spacing of structures may be reduced.
2. **Front Setback Requirements.** In those areas where street design reduces traffic flow, adequate screening or landscaping is provided, the residence is facing onto a common open space, or through interior room design minimizing use of the front yard, front setback requirements may be reduced.
3. **Lot Width Requirements.** Those lots which allow adequate light and ventilation between structures may reduce their lot width requirements while maintaining adequate light, ventilation, and access.
4. **Building Heights.** To ensure adequate light, ventilation, and open space amenities in the PUD, while allowing a variety of building types and densities, building heights should be part of the review process. The Planning Commission may approve an increase in building height greater than what is allowed in the district based on the finding that the increased building height would not negatively affect the public health, safety, and welfare and would provide adequate light, air, and privacy.
5. **Uses Allowed.** The following uses may be allowed in a PUD. Mixed uses are encouraged.
  - a. **Residential Uses.** Dwelling units in detached, semi-detached, attached, or multiple-family dwellings or any combination thereof, along with customary accessory uses and structures are permitted in a PUD.
  - b. **Non-Residential Uses.** Non-residential uses are permitted in a PUD provided that such uses are compatibly and harmoniously incorporated into the unitary design of the PUD.
  - c. **Development not associated with Residential Uses.** A PUD may exclude residential development and allow other commercial, industrial, institutional, cultural, and/or recreational uses if the applicant can demonstrate that the proposed PUD is sufficiently well designed to accomplish the intent of this Ordinance with respect to adjoining land uses both existing and anticipated.

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**Section 7.27 Site Condominium Developments**

Site condominium developments are processed through the Planned Unit Development process in **Section 7.26**.

**Section 7.28 Biofuel Production Facilities on Farms**

A. In conformance to the **Michigan Zoning Enabling Act, 2006 PA 110**, as amended, the following regulations shall apply to biofuel production facilities:

1. A biofuel production facility with an annual production capacity of not more than one hundred thousand (100,000) gallons of biofuel is a permitted use of property and is not subject to Special Use approval if all of the following requirements are met:
  - a. The biofuel production facility is located on a farm.
  - b. The biofuel production facility is located not less than one hundred (100') feet from the boundary of any contiguous property under different ownership than the property on which the biofuel production facility is located and meets all applicable setback requirements of the Zoning Ordinance.
  - c. On an annual basis, not less than seventy-five (75%) percent of the feedstock for the biofuel production facility is produced on the farm where the biofuel production facility is located, and not less than seventy-five (75%) percent of the biofuel or another product or by-product produced by the biofuel production facility is used on that farm.
2. Each of the following requires Special Use approval under **subsections A.3 to A.5**:
  - a. A biofuel production facility with an annual production capacity of not more than one hundred thousand (100,000) gallons of biofuel that meets the requirements of **subsection A.1.a and A.1.b** but that does not meet the requirements of **subsection A.1.c**.
  - b. A biofuel production facility with an annual production capacity of more than one hundred thousand (100,000) gallons but not more than five hundred thousand (500,000) gallons of biofuel that meets the requirements of **subsection A.1.a and A.1.b**.
3. An application for Special Use approval for a biofuel production facility described in **subsection A.2** shall include all of the following:
  - a. A site plan including a map of the property and existing and proposed buildings and other facilities.
  - b. A description of the process to be used to produce biofuel.

<b>1</b> Purpose	<b>2</b> Definitions	<b>3</b> General Provisions	<b>4</b> District Regulations	<b>5</b> Site Plan Review & Plot Plans
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- c. The number of gallons of biofuel anticipated to be produced annually.
  - d. Emergency access and fire protection plan that has been reviewed and approved by the appropriate responding police and fire departments.
  - e. For an ethanol production facility that will produce more than ten thousand (10,000) proof gallons annually, completed **United States Department of the Treasury, Alcohol and Tobacco Tax and Trade Bureau**, forms 5000.29 (environmental information) and 5000.30 (supplemental information on water quality considerations under 33 USC 1341(a)), or successor forms, required to implement regulations under the **National Environmental Policy Act of 1969**, 42 USC 4321 to 4347, and the **Federal Water Pollution Control Act**, 33 USC 1251 to 1387.
  - f. Information that demonstrates that the biofuel production facility will comply with the requirements of **subsections A.2** and **A.5**.
  - g. Any additional information requested by the Planning Commission or Zoning Administrator.
4. The Township shall hold a hearing on an application for Special Use approval under **subsection A.2** not more than sixty (60) days after the application is filed.
5. Special Use approval of a biofuel production facility described in **subsection A.2** shall be made expressly conditional on the facility's meeting all of the following requirements before the facility begins operation and no additional requirements:
- a. Buildings, facilities, and equipment used in the production or storage of biofuel comply with local, state, and federal laws.
  - b. The owner or operator of the biofuel production facility provides the Township with proof that all necessary approvals have been obtained from the state and federal agencies that are involved in permitting any of the following aspects of biofuel production:
    - (1) Air pollution emissions.
    - (2) Transportation of biofuel or additional products resulting from biofuel production.
    - (3) Use or reuse of additional products resulting from biofuel production.
    - (4) Storage of raw materials, fuel, or additional products used in, or resulting from, biofuel production.
    - (5) The biofuel production facility includes sufficient storage for both of the following:
      - (a) Raw materials and fuel.

<b>1</b> Purpose	<b>2</b> Definitions	<b>3</b> General Provisions	<b>4</b> District Regulations	<b>5</b> Site Plan Review & Plot Plans
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- (b) Additional products resulting from biofuel production or the capacity to dispose of additional products through land application, livestock consumption, sale, or other legal use.

B. This Section does not authorize biofuel production facilities that are not located on farms.

**Section 7.29 Solar Energy**

**A. Solar Energy Facilities (Utility-Scale).**

1. **Reflection/Glare.** Solar collection devices, or a combination of devices, shall be designed and located to avoid glare or reflection onto adjacent properties and adjacent roadways and shall not interfere with traffic or create a safety hazard. This may be accomplished by both the placement and angle of the collection devices as well as human-made or environmental barriers. Glare intensity is considered an issue if it measures more than twenty (20%) percent of the incident sun intensity. Plans to reduce glare may be required in the initial materials submitted.
2. **Impervious Surface/Stormwater and Groundcover.**
  - a. If more than eight thousand (8,000 ft<sup>2</sup>) square feet of impervious surface will be located on the site, the application shall include a drainage plan prepared by a registered civil engineer showing how stormwater runoff will be managed. If detergents will be used to clean solar panels, details on the type of detergent, frequency, and quantity of use, and stormwater quality protection measures shall be provided. Any necessary permits from outside agencies for off-site discharge shall be provided.
  - b. If groundcover (such as conservation cover, pollinator habitat, forage cover, or agrivoltaics) is utilized, then a drainage plan is not required. The Planning Commission may require groundcover.
3. **Screening.** Solar devices shall be screened from view from any residential district or residential use by use of a masonry screen wall, evergreen vegetation, or other screening of similar effectiveness and quality, as determined by the Planning Commission. Screening shall be installed which screens the facility fully from view from the time of planting or installation. Screening shall be maintained throughout the life of the facility including replacing dead vegetation within six (6) months or at the earliest feasible time of year dependent on the weather.
4. **Fencing.** The Planning Commission may require wildlife-friendly fencing.
5. **Setbacks.** The setbacks of all solar collection devices and ancillary equipment shall be at least fifty (50') feet from all lot lines of non-participating lots. Setbacks are measured from the lot line to the solar collection device a minimum tilt.

<b>1</b> Purpose	<b>2</b> Definitions	<b>3</b> General Provisions	<b>4</b> District Regulations	<b>5</b> Site Plan Review & Plot Plans
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6. **Battery Storage.** Areas for battery storage shall be shown on the site plan, if applicable.
7. **Sound.** The sound pressure level of a solar energy facility and all ancillary solar equipment shall not exceed forty-five (45) dBA (Leq (1 hour)) at the lot line of an adjoining non-participating lot. The site plan shall include modeled sound isolines extending from the sound source to the lot lines to demonstrate compliance with this standard.
8. **Land Clearing.** Land disturbance or clearing shall be limited to what is minimally necessary for the installation and operation of the system and to ensure sufficient all-season access to the solar resource given the topography of the land. Topsoil distributed during site preparation (grading) on the property shall be retained on site.
9. **Access Drives.** New access drives within the solar energy facility shall be designed to minimize the extent of soil disturbance, water runoff, and soil compaction on the premises. The use of geotextile fabrics and gravel placed on the surface of the existing soil for temporary roadways during the construction of the solar energy facility is permitted, provided that the geotextile fabrics and gravel are removed once the solar energy facility is in operation.
10. **Battery Storage.** Areas for battery storage shall be shown on the site plan, if applicable.
11. **Repowering.** In addition to repairing or replacing solar energy components to maintain the system, a solar energy facility may at any time be repowered, without the need to apply for a new Special Use permit, by reconfiguring, renovating, or replacing the solar energy components to increase the power rating within the existing project footprint.
  - a. A proposal to change the project footprint of an existing solar energy facility shall be considered a new application, subject to the ordinance standards at the time of the request. Expenses for legal services and other studies resulting from an application to modify a solar energy facility will be reimbursed to the Township by the solar energy facility owner in compliance with established escrow policy.
12. **Abandonment.** If a solar facility owner or operate has an intent to abandon, and, in fact, does abandon a solar facility for six (6) continuous months, the solar facility shall be deemed to be abandoned. The applicant/permit holder will be so notified in writing by the Township and requested to dismantle the site and return it to its original state. If there are mitigating circumstances as to why the site has not been used, the applicant/permit holder may contact the Township and request a three (3) month extension. If a site has been deemed abandoned and no request for an extension is received, the applicant/permit holder will again be notified to dismantle the site and return it to its original state. Failure to do so shall be considered a violation of this Ordinance. Removal shall include removing posts, equipment, panels, foundations, and other items so that the ground is restored to its preconstruction state and is ready for development as another land use.

<b>1</b> Purpose	<b>2</b> Definitions	<b>3</b> General Provisions	<b>4</b> District Regulations	<b>5</b> Site Plan Review & Plot Plans
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13. **Performance Guarantee.** Pursuant to [Section 9.5](#), as a condition of approval, prior to construction, the Planning Commission may require an owner to deposit funds in escrow with the Township or provide an insurance bond satisfactory to the Planning Commission to assure the removal of the solar energy facility. If required, such escrow deposit or insurance bond shall be in an amount equal to the cost of removal of the facility. The deposit or bond shall be maintained by successor owners of the facility.
  
14. **Decommissioning Plan.** A decommissioning plan is required at the time of application.
  - a. The decommissioning plan shall include:
    1. The anticipated manner in which the project will be decommissioned, including a description of which above-grade and below-grade improvements will be removed, retained (e.g. access drive, fencing), or restored for viable reuse of the property consistent with the zoning district.
    2. The projected decommissioning costs for removal of the solar energy facility (net of salvage value in current dollars) and soil stabilization, less the amount of the surety bond posted with the State of Michigan for decommissioning of panels installed on PA 116 lands.
    3. The method of ensuring that funds will be available for site decommissioning and stabilization (in the form of surety bond, irrevocable letter of credit, or cash deposit).
  - b. A review of the amount of the performance guarantee based on inflation, salvage value, and current removal costs shall be completed every five (5) years, for the life of the project, and approved by the Planning Commission. An solar energy facility owner may at any time:
    - (1) Proceed with the decommissioning plan approved by the Planning Commission and remove the system as indicated in the most recent approved plan; or
    - (2) Amend the decommissioning plan with Planning Commission approval and proceed according to the revised plan.

**B. Solar Energy Panels (as Accessory Use).**

Solar energy panels shall be allowed as a permitted accessory use in all zoning districts subject to the requirements below. A zoning permit shall be required for ground-mounted solar panels one hundred (100 ft<sup>2</sup>) square feet or larger in sum. A building permit may be required.

1. **Height.**

<b>1</b> Purpose	<b>2</b> Definitions	<b>3</b> General Provisions	<b>4</b> District Regulations	<b>5</b> Site Plan Review & Plot Plans
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- a. Ground-mounted accessory solar energy panels shall not exceed the allowable height of structures in that district when oriented at maximum tilt measured from the ground to the top of the system.
- b. Building-mounted or roof-mounted accessory solar energy systems shall not exceed five (5') feet above the finished roof.

2. **Setbacks.**

- a. Ground-mounted accessory solar energy panels shall adhere to setbacks established for detached accessory buildings pursuant to [Section 3.10](#). Setbacks are measured from the lot line to the nearest portion of the structure when oriented at minimum tilt (in its position most horizontal to the ground). If no solar access is available in the location required by this Ordinance, the Planning Commission may approve ground-mounted solar energy panels in an alternate location on a case-by-case basis. Screening from the road or neighboring property may be required.
- b. Building-mounted or roof-mounted accessory solar energy panels shall adhere to district setbacks for a principal building but may encroach into designated principal building setbacks by twelve (12") inches.

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

4. **Nonconformities.**

- a. A building-mounted or roof-mounted accessory solar energy panel installed on a nonconforming building or nonconforming use shall not be considered an expansion of the nonconformity.
- b. Ground-mounted accessory solar energy panels installed on a nonconforming lot or nonconforming use shall not be considered an expansion of the nonconformity.

**Section 7.30 Wind Energy**

**A. Technological Advances and Design Standards Flexibility.**

The Township recognizes the accelerated pace at which the technology of wind energy generation is evolving and the impact these technological changes may have on the use and placement of wind turbine generators within the Township. Consequently, in order to effectively incorporate new technology that may outpace the regulations established herein, the Planning Commission may approve wind turbine generators that do not fully comply with the strict development standards of these regulations if, in the opinion of the Commission, they comply with the intent of the regulations and do not create significant adverse impacts on the petitioned property, abutting properties, or the immediate neighborhood.

<b>1</b> Purpose	<b>2</b> Definitions	<b>3</b> General Provisions	<b>4</b> District Regulations	<b>5</b> Site Plan Review & Plot Plans
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**B. Wind Turbine Generators (WTG), Utility-Scale or Commercial.**

Unless otherwise provided, utility-scale or commercial wind turbine generators and anemometer towers shall comply with all of the following standards:

1. **Site Plan Required.** A Special Use application for a utility-scale or commercial wind turbine generator or anemometer tower shall include a site plan pursuant to [Section 5.4](#).
2. **Sufficient Wind Resources.** The proposed site shall have documented annual wind resources sufficient for the operation of the proposed wind turbine generator; provided, however, this standard shall not apply to an anemometer tower. No wind turbine generator shall be approved without submission of a wind resource study documenting wind resources on the site over a minimum of one (1) year. Said study shall indicate the long-term commercial economic viability of the project. The Township may retain the services of an independent, recognized expert to review the results of the wind resource study prior to acting on the application for Special Use.
3. **Minimum Site Area.** The minimum site area for a wind turbine generator or an anemometer tower erected prior to a wind turbine generator shall be as necessary to meet required setbacks and any other standards of this Ordinance.
4. **Setbacks.** Each proposed wind turbine generator or anemometer tower shall meet the following applicable setback requirements:
  - a. Each wind turbine generator shall be set back, from any adjoining lot line of a non-participating lot, a minimum distance equal to one and one-half (1.5) times the total height of the WTG.
  - b. In addition to the above, a wind turbine generator shall, in all cases, be set back, from a public or private road right-of-way or existing easement, a minimum distance equal to one and one half (1.5) times the height of the wind turbine generator tower as defined in the Ordinance.
  - c. For any newly proposed wind turbine generator or anemometer tower, a “wind access buffer” equal to a minimum of five (5) rotor diameters shall be observed from any existing off-site wind turbine generator tower, based on the average rotor diameter between the existing and proposed WTG.
5. **Minimum Rotor Wind Vane or Blade Clearance.** The lowest point of the arc created by rotating wind vanes or blades on a wind turbine generator shall be no less than twenty (20’) feet.
6. **Safety.** A WTG shall have an automatic braking system to prevent uncontrolled rotation.

<b>1</b> Purpose	<b>2</b> Definitions	<b>3</b> General Provisions	<b>4</b> District Regulations	<b>5</b> Site Plan Review & Plot Plans
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7. **Maximum Noise Levels.** The sound pressure level of a wind turbine generator and all ancillary equipment shall not exceed fifty-five (55) dBA (Leq (1 hour)) at the lot line of an adjoining non-participating lot. The site plan shall include modeled sound isolines extending from the sound source to the lot lines to demonstrate compliance with this standard.
8. **Maximum Vibrations.** Any proposed wind turbine generator shall not produce vibrations through the ground humanly perceptible beyond the participating lot(s) on which it is located.
9. **Interference with Residential or Governmental Reception.** Any wind turbine generators shall be constructed and operated so that they do not interfere with television, microwave, navigational, or radio reception to neighboring areas.
10. **Landscaping.** Each proposed wind turbine generator shall meet the following landscaping requirements provided, however, the Planning Commission may reduce or waive such requirements if it finds that because of the remote location of the site, or other factors, the visual impact of the wind turbine generator would be minimal.
  - a. The base of the wind turbine generator shall be landscaped with a buffer of plant materials that effectively screens the view of the bases of these facilities from adjacent property used for residential purposes. The standard buffer shall consist of a landscaped strip at least four (4') feet wide outside the perimeter of the facilities.
  - b. Existing natural landforms on the site which effectively screen the base of the wind turbine generator or anemometer tower erected prior to a wind turbine generator from adjacent property used for residential purposes shall be preserved to the maximum extent possible.
  - c. Landscaping shall be designed to counter the effects of "shadow flicker" on any neighboring residences or roadways caused by the rotor rotation in the sunlight.

To ensure compliance with these landscaping standards, the Planning Commission may require additional landscaping on the site after the installation of the wind turbine generator.

11. **State or Federal Requirements.** Any proposed wind turbine generator anemometer tower shall meet or exceed any standards and regulations of the [Federal Aviation Administration \(FAA\)](#), [Michigan Aeronautics Commission \(MAC\)](#), the [Michigan Public Service Commission](#), [National Electric Safety Code](#), and any other agency of the state or federal government with the authority to regulate wind turbine generators or other tall structures in effect at the time the Special Use is approved.
12. **Soil Conditions.** A proposal for any wind turbine generator or anemometer tower shall be accompanied by a report of the soils present on the site based on soil borings and a description of the proposed foundation size, materials, and depth. The top of such a foundation shall be installed to a depth of five (5') feet below grade to allow for feasible future reuse of the land



unless the applicant provides a financial assurance that the foundation will be removed in the event that the wind turbine generator is removed.

13. **Aesthetics and Lighting.** Any proposed wind turbine generator or anemometer tower shall meet the following requirements:

- a. Each wind turbine generator or anemometer tower shall either maintain a galvanized steel finish or, subject to any applicable standards of the **FAA** and **MAC**, be colored a neutral color so as to reduce visual obtrusiveness.
- b. Each wind turbine generator, including all accessory structures, or anemometer tower shall, to the extent possible, use materials, and colors that will blend them into the natural setting and surrounding buildings. A medium gray shade is the preferred color for any wind generator or anemometer tower; however, the Planning Commission may approve an alternate color if the facility is suspected to be located within an avian migratory route or if an alternate color would otherwise benefit the community.
- c. Each wind turbine generator or anemometer tower shall not be artificially lighted, unless required by the **FAA**, **MAC**, or other applicable governmental authority. If lighting is required, the lighting alternatives and design chosen:
  - (1) Shall be the intensity required under **FAA** or **MAC** regulations.
  - (2) Shall not be strobe lighting or other intermittent white lighting fixtures, unless expressly required by the **FAA** or **MAC**. Such intermittent lighting shall be alternated with steady red lights at night if acceptable to the **FAA** or **MAC**.
  - (3) May be a red top light that does not pulsate or blink.
  - (4) All tower lighting required by the **FAA** or **MAC** shall be shielded to the extent possible and acceptable to the **FAA** or **MAC** to reduce glare and visibility from the ground.
  - (5) Radar-activated obstruction lighting system shall be utilized, if available and if permitted by the **FAA**.
- d. Each wind turbine generator or anemometer tower shall be sited on the property in a location that reduces to the maximum extent possible any adverse impacts on significant view corridors from adjacent properties, while at the same time maintaining contact with economically viable wind resources.
- e. Each wind turbine generator or anemometer tower shall be a monopole or monotube style construction (as distinguished from a lattice-style tower) and shall not utilize guy wires.

<b>1</b> Purpose	<b>2</b> Definitions	<b>3</b> General Provisions	<b>4</b> District Regulations	<b>5</b> Site Plan Review & Plot Plans
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14. **Sign.** A sign no more than four (4 ft<sup>2</sup>) square feet in area displaying an address and telephone number for emergency calls and informational inquiries shall be posted at the wind turbine generator or anemometer tower erected prior to a wind turbine generator. No wind turbine generator tower or anemometer tower or site shall include any advertising sign.
15. **Hazard Planning.** An application for a wind turbine generator shall be accompanied by a hazard prevention plan. Such plan shall address the following at a minimum:
- a. Certification that the electrical wiring between turbines and between turbines and the utility right-of-way does not pose a fire hazard.
  - b. The landscape plan accompanying the application shall be designed to avoid the spread of fire from any source on the turbine. Such preventative measures may address the types and locations of vegetation below the turbine and on the site.
  - c. The following shall be submitted with the application for a Special Use for a wind turbine generator:
    - (1) A listing of any hazardous fluids that may be used on-site shall be provided, including Safety Data Sheets (SDS).
    - (2) Certification that the turbine has been designed to contain any hazardous fluids shall be provided.
    - (3) A statement certifying that the turbine shall be routinely inspected to ensure that no fluids are released from the turbine.
    - (4) A Hazardous Materials Waste Plan shall be provided.
16. **Approvals.** All required approvals from other local, regional, state, or federal agencies must be obtained prior to submittal of a site plan, and such approvals shall be submitted as part of the required site plan for Planning Commission consideration.
17. **Removal of Abandoned Wind Turbine Generators or Anemometer Towers.**
- a. Wind production summary reports by month shall be provided annually for each wind turbine generator to the Township Planning Commission and the Township Clerk, by January 31st each year, for the preceding year.
  - b. If an owner or operator of a wind turbine generator or anemometer tower has an intent to abandon such and, in fact, does abandon a wind turbine generator or anemometer tower for a continuous period of six (6) continuous months, it shall be considered abandoned. If there are mitigating circumstances as to why the site has not been used, the applicant/permit holder may contact the Township and request a three (3) month extension. If a site has been deemed

<b>1</b> Purpose	<b>2</b> Definitions	<b>3</b> General Provisions	<b>4</b> District Regulations	<b>5</b> Site Plan Review & Plot Plans
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abandoned and no request for an extension is received, the owner of such wind turbine generator or anemometer tower shall remove the same within one hundred eighty (180) days of receipt of notice from the Township of such abandonment. In addition to removing the wind turbine generator, or anemometer tower, the owner shall restore the site of the wind turbine generator or anemometer tower to its original condition prior to the location of the wind turbine generator or anemometer tower, subject to reasonable wear and tear. Any foundation associated with a wind generator or anemometer tower shall be removed to a minimum depth of five (5') feet below the final grade and site vegetation shall be restored. Failure to remove the wind turbine generator or anemometer tower shall be a violation of this Ordinance.

- c. **Performance Guarantee.** Pursuant to [Section 9.5](#), the Planning Commission shall require the applicant to file an irrevocable bond equal to one and a quarter (1.25) times the estimated cost of the removal of the wind turbine generator or anemometer at the time of approval. Such escrow deposit or bond shall be maintained by successor owners and shall be a condition of a Special Use given pursuant to this Section.

**C. Wind Turbine Generator (WTG), On-Site or Private.**

An on-site or private WTG shall comply with the following standards:

1. The WTG shall be designed to primarily serve the needs of the property on which it is located.
2. **Plot Plan Submittal.** An application for the installation of an on-site or private WTG shall include a plot plan including the following information:
  - a. Location of the proposed wind turbine.
  - b. Location of all structures on the property and adjacent properties and the distance from the wind turbine.
  - c. Distance from other wind turbines on adjacent lots, if applicable.
3. **Design and Installation.** All wind turbines (ground and roof-mounted) shall be installed by a licensed contractor and applications shall be accompanied by engineering drawings of the wind turbine structure including the tower, base, and footings. The installation of the wind turbine shall meet manufacturer’s specifications.
4. **Minimum Lot Size.** The minimum lot size for on-site or private WTG shall be as necessary to meet required setbacks and any other standards of this Ordinance.
5. **Height.** The on-site or private WTG shall have a tower height of one hundred (100') feet or less.

<b>1</b> Purpose	<b>2</b> Definitions	<b>3</b> General Provisions	<b>4</b> District Regulations	<b>5</b> Site Plan Review & Plot Plans
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6. **Rotor Clearance.** A minimum fifteen (15') foot clearance from the ground shall be maintained for the vertical blade tip of a Horizontal Axis Wind Turbine and for the bottom of the rotating spire or helix of a Vertical Axis Wind Turbine.
7. **Setback.** The distance between an on-site or private WTG and adjacent property shall be at least equal to the height of the tower including the top of the blade in its vertical position.
8. **Noise.** The sound created by the system shall not exceed fifty-five (55) dBA (Leq (1 hour)) at the nearest lot line of adjacent properties.
9. **Reception Interference.** WTGs shall not cause interference with television, microwave, navigational, or radio reception to neighboring areas.
10. **Number of Turbines (Horizontal or Vertical).** The number of WTGs shall be determined by the spacing requirement of the manufacturer. Multiple turbines may be approved by the Planning Commission provided the multiple turbines comply with the spacing requirements of the manufacturer.
11. **Vibration.** WTGs shall not cause vibrations through the ground which are perceptible beyond the lot line of the parcel on which it is located.
12. **Shadow Flicker.** The property owner of a WTG shall make reasonable efforts to minimize shadow flicker to any occupied building on nearby properties.
13. **Potential Ice Throw.** Any potential ice throw or ice shedding from the WTG shall not cross the lot lines of the site nor impinge on any right-of-way or overhead utility line.
14. **Visual Impact.** All visible components of a WTG shall be colored a non-reflective, non-obtrusive neutral color and maintained in good repair in accordance with industry standards.
15. **Roof-Mounted WTGs.**
  - a. Roof-mounted WTGs must be located on the rear half of the structure unless incorporated as an architectural design feature of the building.
  - b. Horizontal Axis Wind Turbines shall not be roof-mounted, except for those specifically designed for such installation.
16. **Safety.** An on-site or private WTG shall have an automatic braking system to prevent uncontrolled rotation.
17. **Other Regulations.** On-site use of WTG shall comply with all applicable state construction and electrical codes, [Federal Aviation Administration](#) requirements, [Michigan Aeronautics](#)

Commission requirements, 1959 PA 259, as amended, (Michigan Tall Structures Act, being MCL 259.481 et. seq.) and the Michigan Public Service Commission and Federal Energy Regulatory Commission standards.

## Section 7.31 Wireless Facilities

### A. Uses Exempted (Single-Use Towers and Masts).

Antenna towers and masts erected and operated as a residential or commercial accessory use serving only that property (such as but not limited to Amateur Radio Service Station Antenna and other “customer end” devices covered by 47 CFR Section 1.4000) are exempt from this Section. An amateur radio service station antenna structure and other such wireless structures may be erected at the minimum heights and dimensions sufficient to accommodate amateur radio service communications and other such wireless transmissions. See **Over-the-Air Reception Devices (47 CFR Section 1.4000)**. Single-use tower and masts shall comply with all FCC rules and regulations in effect at the time they are erected. Property owners who erect single-use towers and masts shall notify the Township prior to erecting such a tower.

### B. Uses Allowed.

1. **Co-Location - Permitted Use.** Pursuant to Section 3514 of 2006 PA 110, as amended (Michigan Zoning Enabling Act, being MCL 125.3101 et.seq.), co-location of wireless communications equipment on an existing support structure is a permitted use of property. No zoning permit is required.
  - a. No antenna or similar sending/receiving devices appended to a wireless communications support structure, following its approved construction, shall be permitted if it exceeds the engineered design capacity of the support structure thereby jeopardizing the support structure’s structural integrity.
  - b. The installation and/or operation of the above-mentioned wireless communications equipment shall not interfere with normal radio/television reception in the area. In the event interference occurs, it shall be the sole responsibility of the owner to rectify the situation with the parties involved.
2. **New Wireless Communications Facilities with Support Structures or Ground-Mounted Wireless Communications Facilities (Ground Stations or Earth Stations).** New support structures or Ground-Mounted Wireless Communications Facilities (Ground Stations or Earth Stations) are a Special Use as listed in **Section 4.14** and the individual district tables and shall be evaluated using the procedures stated in **subsection C** below using the standards stated in **subsection D**.

<b>1</b> Purpose	<b>2</b> Definitions	<b>3</b> General Provisions	<b>4</b> District Regulations	<b>5</b> Site Plan Review & Plot Plans
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3. **Other Wireless Communications Facilities.** Wireless communications facilities which do not fall under subsections **B.1 or B.2** (above) shall follow the same Special Use approval procedure and standards as uses listed in **subsection B.2** (above)

**C. Approval Procedure for New Wireless Communications Facilities with Support Structures (Towers) or Ground-Mounted Wireless Communications Facilities (Ground Stations or Earth Stations).**

1. An application for Special Use approval of Wireless Communications Facilities with Support Structures or Ground-Mounted Wireless Communications Facilities (Ground Stations or Earth Stations) shall include all information required by **Section 5.4**.
2. After an application for a Special Use is filed, the Zoning Administrator shall determine whether the application is administratively complete. The application shall be considered to be administratively complete when the Zoning Administrator makes that determination or fourteen (14) business days after the Zoning Administrator receives the application, whichever is first.
3. If, before the expiration of the fourteen (14) day period under **subsection C.2**, the Zoning Administrator notifies the applicant that the application is not administratively complete, specifying the information necessary to make the application administratively complete, or notifies the applicant that a fee required to accompany the application has not been paid, specifying the amount due, the running of the fourteen (14) day period under **subsection C.2** is tolled until the applicant submits to the body or official the specified information or fee amount due. The notice shall be given in writing or by electronic notification.
4. After the application is deemed complete, a public hearing shall be held. The notice of the public hearing shall be given pursuant to **Section 9.6**.
5. After a public hearing is held, the Planning Commission shall conduct a site plan review using the Special Use standards in **Section 5.5** and **Section 6.3** and the standards contained in **subsection D** below and shall approve or deny the application not more than ninety (90) days after the application is considered to be administratively complete. If the Planning Commission fails to timely approve or deny the application, the application shall be considered approved and the Planning Commission shall be considered to have made any determination required for approval.

**D. Special Use Standards for New Wireless Communications Facilities with Support Structures (Towers) or Ground-Mounted Wireless Communications Facilities (Ground Stations or Earth Stations).**

In considering authorization of such Wireless Communications Support Structures or Ground-Mounted Wireless Communications Facilities (Ground Stations or Earth Stations) Planning Commission shall apply the following specific standards:

<b>1</b> Purpose	<b>2</b> Definitions	<b>3</b> General Provisions	<b>4</b> District Regulations	<b>5</b> Site Plan Review & Plot Plans
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1. **Ownership.** The applicant (owner/operator/agent) shall provide documentation to the Planning Commission that clearly establishes the legal ownership of the Wireless Communications Facility. The applicant, agents, or successors shall report to the Planning Commission any changes in the legal ownership of the Wireless Communications Facility within thirty (30) days of the effective date of the change.
2. **Visual Impact.** The application for Special Use for the Wireless Communications Facility shall include a visual impact analysis, prepared by the applicant, which includes a graphic depiction of the anticipated visual appearance of the Wireless Communications Facility from important vantage points in the surrounding area. Methods used in preparing the analysis shall be reviewed and approved by the Planning Commission during its first consideration of the application for Special Use before the public hearing. The Planning Commission may require screening of the site consisting of a vegetative buffer, fence/wall, berm, or some combination thereof.
3. **Co-Location Feasibility.** The applicant shall provide documentation of whether or not it is feasible to provide equivalent service by locating the antenna on an existing tower or other existing structure in the Township, or on an existing tower or other existing structure located in neighboring communities.
4. **Height.** The support structure (tower) shall be exempt from building height limits established by zoning district regulations, provided that the tower height shall not exceed the minimum height necessary to serve its intended functions.
5. **Setbacks.**
  - a. **Wireless Communications Facilities with Support Structures (Towers).**
    - (1) The tower shall be setback at least a distance equal to the height of the tower measured from the base of the tower to all points on each lot line of non-participating lots. The tower shall be designed to fall upon the participating lot on which it is located.
    - (2) The tower and any supporting or appurtenant structures shall be no closer to any dwelling than at least the distance equal to one and one-half times (1.5) the height of the tower measured from its base at grade to its highest point.
    - (3) The tower may be guyed or free standing. Guy wires are not allowed.
  - b. **Ground-Mounted Wireless Communications Facilities and Other Wireless Communications Facilities.** Ground-Mounted Wireless Communications Facilities and Other Wireless Communications Facilities shall be set back at least one hundred seventy-five (175) feet from the outside edge of the equipment enclosure to each lot line of a non-participating lot. The Planning Commission may reduce the required setbacks if it is determined that such reduction will not adversely affect the neighboring property.

- c. **Other Buildings.** Ancillary building or buildings housing equipment needed for the operation of the Wireless Communications Facility shall not exceed the floor area and height minimally necessary for such equipment, shall meet district setbacks, and shall be of a size, type, color, and exterior materials which are aesthetically and architecturally compatible with the surrounding area, and as minimally obtrusive as possible. Landscape screening may be required by the Planning Commission to accomplish screening of ancillary equipment buildings.
- 6. **Lighting.** The applicant shall provide documentation of any lighting to be installed on the Wireless Communications Facility. If lighting is required or proposed, the Wireless Communications Facility may not be approved unless the Planning Commission determines that it will not have a significant adverse impact on properties and residents of the surrounding area. If lighting is not required by the FAA, then towers shall not be lit at night. When lighting is required, radar-activated obstruction lighting system shall be utilized, if available and if permitted by the FAA.
- 7. **Color.** The painting of towers in alternate bands of orange and white shall be permitted only if specifically required by **Federal Communications Commission** (FCC) or **Federal Aviation Administration** (FAA) regulations. If alternate band painting is required by FCC or FAA regulations, the applicant shall provide documentation of such requirements and regulations.
- 8. **Signs.** No signs other than signs required pursuant to federal, state, or local law and ordinance shall be allowed on an antenna, tower, or site.
- 9. **Fence.** A fence not less than six (6') feet in height with anti-climb features shall be constructed around the base of the tower.
- 10. **Sign.** A sign no more than four (4 ft<sup>2</sup>) square feet in area displaying an address and telephone number for emergency calls and informational inquiries shall be posted at the wireless facility. No wireless facility shall include any advertising sign.
- 11. **Other Regulations.** The applicant shall provide documentation of conformance with any **Federal Communications Commission**, **Federal Aviation Administration**, and **Michigan Aeronautics Commission** regulations.
- 12. **Abandonment.** If a Wireless Communications Facility owner or operator intends to abandon and, in fact, does abandon a Wireless Communications Facility for a period of twelve (12) continuous months, the Township will order its removal from the site by the owner of the Wireless Communications Facility within three (3) months of notification of abandonment by the Township. If there are mitigating circumstances as to why the site has not been used, the applicant/permit holder may contact the Township and request a three (3) month extension. If the Wireless Communications Facility has not been removed within the required time frame, it will be considered a violation of the Zoning Ordinance.

<b>1</b> Purpose	<b>2</b> Definitions	<b>3</b> General Provisions	<b>4</b> District Regulations	<b>5</b> Site Plan Review & Plot Plans
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13. **Performance Guarantee.** Pursuant to [Section 9.5](#), as a condition of approval, prior to construction, the Planning Commission may require an owner to deposit funds in escrow with the Township or provide an insurance bond satisfactory to the Planning Commission to assure the removal of the Wireless Communications Facility. If required, such escrow deposit or insurance bond shall be in an amount equal to the cost of removal of the Wireless Communications Facility. The deposit or bond shall be maintained by successor owners of the Wireless Communications Facility.

**E. Small Cell Wireless Facilities.**

1. **Exempt Small Cell Wireless Facilities.** The co-location of a small cell wireless facility and associated support structure within a public right of way (ROW) is not subject to zoning reviews or approvals under this Ordinance to the extent it is exempt from such reviews under the [Small Wireless Communications Deployment, 2018 PA 365](#), as amended. In such case, a utility pole in the ROW may not exceed forty (40') feet above ground level without Special Use approval and a small cell wireless facility in the ROW shall not extend more than five (5') feet above a utility pole or wireless support structure on which the small cell wireless facility is co-located.

2. **Approval for Non-Exempt Small Cell Wireless Facilities.** The modification of existing or installation of new small cell wireless facilities or the modification of existing or installation of new wireless support structures used for such small cell wireless facilities that are not exempt from zoning review in accordance with [2018 PA 365](#), as amended shall be subject to review and approval by the Zoning Administrator in accordance with the following procedures and standards:

a. The processing of an application is subject to all of the following requirements:

- (1) Within thirty (30) days after receiving an application under this Section, the Zoning Administrator shall notify the applicant in writing whether the application is complete. The notice tolls the running of the thirty (30) day period.
- (2) The running of the time period tolled under [subsection E.2.a.1](#) resumes when the applicant makes a supplemental submission in response to the Zoning Administrator's notice of incompleteness.
- (3) The Planning Commission shall approve or deny the application and notify the applicant in writing within ninety (90) days after an application for a modification of a wireless support structure or installation of a small cell wireless facility is received or one hundred fifty (150) days after an application for a new wireless support structure is received. The time period for approval may be extended by mutual agreement between the applicant and Planning Commission.

<b>1</b> Purpose	<b>2</b> Definitions	<b>3</b> General Provisions	<b>4</b> District Regulations	<b>5</b> Site Plan Review & Plot Plans
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- b. The Planning Commission shall base their review of the request on the standards contained in **Sections 5.5** and **Section 6.3** provided, however that a denial shall comply with all of the following:
  - (1) The denial is supported by substantial evidence contained in a written record that is publicly released contemporaneously.
  - (2) There is a reasonable basis for the denial.
  - (3) The denial would not discriminate against the applicant with respect to the placement of the facilities of other wireless providers.
  
- c. In addition to the provisions set forth in **subsection E.2.b**, in the Planning Commission’s review:
  - (1) An applicant's business decision on the type and location of small cell wireless facilities, wireless support structures, or technology to be used is presumed to be reasonable. This presumption does not apply with respect to the height of wireless facilities or wireless support structures.
  - (2) An applicant shall not be required to submit information about its business decisions with respect to any of the following:
    - (a) The need for a wireless support structure or small cell wireless facilities.
    - (b) The applicant's service, customer demand for the service, or the quality of service.
  - (3) The Zoning Administrator may impose reasonable requirements regarding the appearance of facilities, including those relating to materials used or arranging, screening, or landscaping.
  - (4) The Zoning Administrator may impose spacing, setback, and fall zone requirements substantially similar to spacing, setback, and fall zone requirements imposed on other types of commercial structures of a similar height in a similar location.
  
- d. Within one (1) year after a zoning approval is granted, a small cell wireless provider shall commence substantial construction of the approved structure or facilities that are to be operational for use by a wireless services provider, unless the Planning Commission and the applicant agree to extend this period or the delay is caused by a lack of commercial power or communications facilities at the site. If the wireless provider fails to commence the construction of the approved structure or facilities within the time required the zoning approval is void.

# Article 8

## Zoning Board of Appeals

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### Section 8.1 Creation & Membership

**A. Creation.**

There is hereby established a Avery Township Zoning Board of Appeals, the membership, powers and duties of which are described in the [Michigan Zoning Enabling Act, 2006 PA 110](#), as amended. The Zoning Board of Appeals shall perform its duties and exercise its powers as provided in the said Act in such a way that the objectives of this Ordinance shall be observed, the public health, safety, and welfare assured, and justice served.

**B. Membership.**

The Avery Township Zoning Board of Appeals shall consist of three (3) members which are appointed by the Township Board, the composition of the Zoning Board of Appeals shall be as follows:

1. One (1) member shall be appointed from the membership of the Township Planning Commission.
2. The other two (2) members shall be electors of the Township and shall be representative of the population distribution and of the various interests in the Township.
3. Not more than one (1) member may be a member of the Township Board.
4. An employee or contractor of the Township may not serve as a member of the Zoning Board of Appeals.
5. An elected township official shall not serve as chairman of the Zoning Board of Appeals.

**C. Alternates.**

The Township Board may appoint not more than two (2) alternate members for the same term as regular members to the Zoning Board of Appeals. An alternate member may be called to serve as a regular member in the absence of a regular member if the regular member is absent from or will be unable to

**Avery Township Zoning Ordinance**

attend one (1) or more meetings. An alternate member may also be called to serve as a regular member for the purpose of reaching a decision on a case in which the regular member has abstained for reasons of conflict of interest. The alternate member appointed shall serve in the case until a final decision is made. The alternate member has the same voting rights as a regular member of the Zoning Board of Appeals.

**D. Officers.**

The Chairperson of the Zoning Board of Appeals shall be elected from among its members each year at the first regular meeting held at the beginning of each calendar year. An elected officer of the Township shall not serve as Chairperson.

**E. Compensation.**

The members of the Board of Appeals shall be entitled to per diem compensation as set by the Township Board, but the total per diem and expenses of the Zoning Board of Appeals shall not exceed a reasonable sum which shall be appropriated annually in advance by the Township Board.

**F. Terms of Office.**

Members shall serve terms of three (3) years, except that the member serving by virtue of membership on the Planning Commission or Township Board shall serve a term expiring at the expiration of their term on the Planning Commission or Township Board. When members are first appointed, the appointments may be for less than three (3) years to provide for staggered terms. A successor shall be appointed not more than one (1) month after the term of his predecessor has expired. All vacancies for unexpired terms shall be filled for the remainder of the term.

**G. Removal of Member.**

A member of the Zoning Board of Appeals may be removed by the legislative body for misfeasance, malfeasance, or nonfeasance in office upon written charges and after public hearing. A member shall ask to be disqualified from a vote in which the member has a conflict of interest. Failure of a member to ask to be disqualified from a vote in which the member has a conflict of interest constitutes malfeasance in office.

**H. ZBA Member who is also Planning Commission Member.**

A member of the Zoning Board of Appeals who is also a voting member of the Planning Commission shall not participate in a public hearing on or vote on the same matter that the member voted on as a member of the Planning Commission. However, the member may consider and vote on other unrelated matters involving the same property.

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**Section 8.2 Meetings**

The Zoning Board of Appeals shall hear and decide all matters properly referred to the Board, or upon which the Board is required to act, under any Ordinance adopted pursuant to **2006 PA 110**, as amended.

**A. Meeting Scheduling and Notice.**

- 1. Meetings of the Zoning Board of Appeals shall be held at the call of the Chairperson, in response to the receipt of a Request for Appeal, and at such other times as such Board may determine.
- 2. Public notice of the date, time, and place of a public meeting of the Board shall be given in the manner prescribed in **Section 9.6**.

**B. Open Meetings.**

All decisions and deliberations of the Board shall take place at a meeting open to the public in compliance with the **Open Meetings Act, 1976 PA 267**, as amended.

**C. Quorum.**

The Zoning Board of Appeals shall not conduct business unless a majority of regular members are present.

**D. Majority Vote.**

The concurring vote of a majority of members of the Zoning Board of Appeals shall be necessary to reverse any order, requirement, decision, or determination of any administrative official, or to decide in favor of the appellant on any matter upon which they are required to pass under any such Ordinance, or to effect any variation in such Ordinance.

**E. Rules of Procedure and Records.**

The Zoning Board of Appeals shall keep minutes of all its proceedings and shall keep records of its findings, proceedings at hearings, and other official action, all of which shall be immediately filed in the office of the Township Clerk and shall be a public record. The Zoning Board of Appeals shall adopt its own rules of procedure for its meeting.

**Section 8.3 Powers & Duties**

**A. Exercising Powers.**

The Zoning Board of Appeals may revise or affirm, wholly or in part, or may modify the order, requirement, decision, or determination as in its opinion ought to be made in a particular case, and to that end shall

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have all the powers of the officer from whom the appeal is taken, and may issue or direct the issuance of a permit.

**B. Jurisdiction.**

The duties and powers of the Zoning Board of Appeals shall, in general, include the following:

1. **Review of Administrative Actions.** The Zoning Board of Appeals shall, when called upon, review, hear, and decide appeals from any order, requirements, decisions, or determination made by any administrative official and/or Planning Commission charged with administration and enforcement of this Ordinance.
2. **Interpretation.** The Zoning Board of Appeals shall have the power to hear and decide upon requests for interpretation of the provisions of this Ordinance and the accompanying zoning map.
3. **Variances.** The Zoning Board of Appeals shall have the power to authorize, upon an appeal, specific variances from such requirements as lot area and width regulations, building height and bulk regulations, setback and depth regulations, and off-street parking, loading space requirements, and any other non-use standard of this Ordinance. Standards for granting variances are contained in [Section 8.5](#).
4. **Special Uses and Planned Unit Developments.** The Zoning Board of Appeals has jurisdiction to hear appeals from Planning Commission decisions concerning Special Use approvals or Planned Unit Developments.

**C. Specific Powers Not Granted.**

1. **Amendments.** Nothing herein contained shall be construed to give or grant to the Zoning Board of Appeals the power or authority to alter or change this Ordinance or the Zoning Map, such power and authority being reserved to the Township Board in the manner provided by law. Provided, however, the Zoning Board of Appeals shall have the authority to revise the Zoning Map, but only in conjunction with its authority to interpret district boundaries.
2. **Use Variances.** No variance shall be granted to permit the establishment, within a district, of any use which is not included as a Permitted Use or a Special Use.

**Section 8.4 Procedures**

The Zoning Board of Appeals shall have the power to hear and decide appeals from any review, any order, requirement, interpretation, decision or determination made by the Zoning Administrator, Planning Commission, or other administrative official in the administration of this Ordinance. Provided, however, the Zoning Board of Appeals shall not have jurisdiction to hear appeals from decisions made by the Zoning Administrator concerning whether to take enforcement action for alleged violations of this Ordinance.

<b>1</b> Purpose	<b>2</b> Definitions	<b>3</b> General Provisions	<b>4</b> District Regulations	<b>5</b> Site Plan Review & Plot Plans
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A. Request for Appeal.

1. **Application.** The appellant shall file all requests for appeals, requests for variances, or requests for interpretation in writing with the Zoning Board of Appeals on blanks or forms to be furnished by the Zoning Administrator. The grounds for appeal shall be stated in writing.
2. **Number of Copies and Timing.** The applicant shall submit four (4) copies of a completed application, with associated fees, surveys, plans, and data as required, or other information deemed reasonably necessary for making any informed decision on his or her appeal, not less than forty-five (45) days prior to the date of the hearing. An electronic copy of surveys, plans, and data may be required.
3. **Fees.** Fees shall be paid at the time of application pursuant to [Section 9.4](#).
4. **Timing.** All appeals shall be made within thirty (30) days from the date of any decision constituting the basis for appeal.
5. The Zoning Administrator shall forthwith transmit to the Zoning Board of Appeals all the papers constituting the record upon which the action appealed from was taken.
6. The Zoning Board of Appeals shall fix a reasonable time for the hearing of an appeal.

B. Stay.

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

C. Hearing & Public Notice.

1. **Date and Public Hearing Notice.** The Zoning Board of Appeals shall make no recommendations except in a specific case and after a public hearing conducted by said Board. The Zoning Board of Appeals shall fix a reasonable time for the hearing of the appeal. Upon determination of the date and time of the Public Hearing, the Zoning Administrator shall give public notice pursuant to [Section 9.6](#).
2. **Appearance.** Any person may appear and testify at the hearing either in person or by duly authorized agent or attorney. The Zoning Board of Appeals shall have the power to require the

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attendance of witness, administer oaths, compel testimony, and otherwise cause the production of books, papers, files, and other evidence pertaining to matters properly coming before the Zoning Board of Appeals.

D. **Decision.**

1. In deciding upon matters referred to, or upon which it is required to act under this Ordinance, the Board of Appeals shall, after public notice and hearing, take into consideration the public health, safety, and general welfare, and apply appropriate conditions and safeguards in conformity with the general purpose and intent of this Ordinance.
2. **Final Decision.** Upon hearing of such appeals, the Zoning Board of Appeals may affirm, change or modify the ruling, decision, or determinations, or make such other or additional determinations as it shall deem proper under the circumstances. The final decision of such appeal shall be in the form of a motion. Reasons for the decision must be stated. A decision or variance granted by the Zoning Board of Appeals runs with the land and shall be valid after transfer of property ownership.
3. **Conditions.** The Zoning Board of Appeals may specify, in writing, such conditions regarding the character, location, and other features that will in its judgment, secure the objectives and purposes of this Ordinance as provided for in [Section 9.8](#). A violation of any conditions constitutes a violation of the Zoning Ordinance and is subject to the applicable enforcement proceedings under the Zoning Ordinance.
4. **Timing of Decision.** The Zoning Board of Appeals shall return its decision in writing within thirty (30) days after a request or appeal has been heard unless all parties concerned agree upon additional time
5. **Appeal to Circuit Court.** The decision of the Zoning Board of Appeals shall not be final, and any person having an interest affected by this Ordinance shall have the right to appeal to the Circuit Court on questions of law and fact.
6. **Rehearing.** A rehearing may be granted pursuant to [Section 9.10](#).

E. **Re-Application for Appeal.**

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 Zoning Board of Appeals to be valid.

F. **Approval Periods.**

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No order of the Zoning Board of Appeals permitting the erection or alteration of a building shall be valid for a period longer than six (6) months unless a building permit for such erection or alteration is obtained within such period and substantial erection or alteration is started and proceeds to completion in accordance with the terms of such permit.

### Section 8.5 Variance Standards

Where there are practical difficulties deterring the carrying out of strict interpretation of this Ordinance, the Zoning Board of Appeals shall have the powers to vary or modify any of the rules, regulations, and provisions of the Ordinance by granting non-use variances, provided that any variation granted from this Ordinance will not be contrary to the public interest and relates only to property under control of the appellant.

The following standards shall be used to determine practical difficulty:

- A. The need for the requested variance is due to unique circumstances or physical conditions of the property involved that do not apply generally to other properties in the surrounding area, such as narrowness, shallowness, shape, water, or topography, and is not due to the applicant’s personal or economic hardship.
- B. The need for the requested variance is not the result of action of the property owner or previous property owners (self-created).
- C. That strict compliance with regulations governing area, setback, frontage, height, bulk, density, or other dimensional requirements will unreasonably prevent the property owner from using the property for a permitted purpose or will render conformity with those regulations unnecessarily burdensome.
- D. Whether granting the requested variance would do substantial justice to the applicant as well as to other property owners in the district or whether granting a lesser variance than requested would give a substantial relief to the property owner and be more consistent with justice to other property owners.
- E. That the requested variance will not cause an adverse impact on surrounding property, property values, or the use and enjoyment of property in the neighborhood or zoning district.

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# Article 9

## Administration & Enforcement

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### Section 9.1 Administration of Ordinance

**A. Zoning Administrator.**

A Zoning Administrator shall be employed by the Township Board under the terms and conditions determined by the Board to administer the provisions of this Ordinance. The Board may also employ a Deputy Zoning Administrator under the terms and conditions determined by the Board to assist the Zoning Administrator in administering this Ordinance.

**B. Duties and Powers of the Zoning Administrator.**

The Zoning Administrator shall enforce this Ordinance, and shall:

1. Approve and issue all zoning permits and certificates of compliance.
2. Conduct inspection of all buildings and structures and the use of all lands subject to the provisions of this Ordinance to determine compliance.
3. Maintain permanent and correct records of this Ordinance including, but not limited to zoning permits, compliance certificates issued, and all maps, amendments, special use permits, exceptions, variances, and appeals.
4. Provide and maintain a public information office relative to all matters arising out of the administration of the Ordinance.

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5. Investigate all applications for Special Uses and variances addressed to the Township Planning Commission and Zoning Board of Appeals, and report findings to said Commission and Board.
6. Initiate appropriate action for proceedings to prevent, restrain, correct, or abate any illegal act in violation of this Ordinance.

C. **Duties and Powers of the Planning Commission.**

The Planning Commission shall be responsible for the following administrative activities under this Ordinance:

1. **Site Plan Approval.** The Planning Commission shall review site plans and issue its approval, conditional approval, or denial.
2. **Special Use Permits.** The Planning Commission shall conduct a public hearing on any application for a Special Use Permit including Planned Unit Developments. Following a public hearing, the Planning Commission shall review and approve, approve with conditions, or deny said application.
3. **Rezoning or Text Amendment.** The Planning Commission shall conduct public hearings for proposals to rezone property or amend the text of this Ordinance. Following a public hearing, the Planning Commission shall make its recommendation regarding the proposed rezoning or text change to the Township Board. The Planning Commission may initiate a text change or rezoning, subject to the requirements for notice, hearing, and Township Board approval.

D. **Township Board.**

On recommendation of the Planning Commission, the Township Board has adopted the Zoning Ordinance, making it the enforceable policy of the township government. Likewise, the Township Board may amend the text of this Ordinance or the boundaries of Zoning Districts (rezoning). The Township Board shall, by resolution, set fees to be charged for any administrative action under this Ordinance. The Township Board may also act to waive any fee.

**Section 9.2 Zoning Permit Application Process**

A. **Application for Permit.**

1. Before proceeding with the erection, alteration, enlargement, razing, conversion, or moving of any building or structure subject to the provisions of this Ordinance, the owner of the premises shall first apply for a zoning permit from the Zoning Administrator. This requirement shall not apply to alterations inside a building or structure if no change is made in foundations or outside perimeter. Application shall be made upon forms provided by the Zoning Administrator and shall be accompanied by the tax description of the premises and by a plot plan pursuant to [Section 5.2](#)

<b>1</b> Purpose	<b>2</b> Definitions	<b>3</b> General Provisions	<b>4</b> District Regulations	<b>5</b> Site Plan Review & Plot Plans
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or a site plan pursuant to [Section 5.4](#) (with the exception of Special Uses that the Zoning Administrator has determined do not require a plot plan or site plan).

2. On examination of any site, the Zoning Administrator may require a current boundary survey and staking of the premises by a Michigan Registered Land Surveyor if the same may not be clearly in evidence.
3. **Final Plot Plan or Site Plan Approval Required.** The Township shall not issue a zoning permit until a final plot plan or site plan has been approved and is in effect pursuant to [Article 5](#) (with the exception of Special Uses that the Zoning Administrator has determined do not require a plot plan or site plan).
4. **Other Required Permits.** A zoning permit is required prior to a building permit. A zoning permit shall not be issued until any other necessary permits required by statute have been obtained or waived with the exception of those permits which are contingent upon the issuance of a zoning permit.
5. **Payment of Fees.** No zoning permit shall be valid until the required fees have been paid.

**B. Property Inspection.**

Every building or structure for which a zoning permit has been issued shall be subject to two (2) inspections:

1. **When Excavation for Foundation is Complete and Building Lines Established.** The property owner is responsible for determining and marking the correct location of lot lines as defined by this Ordinance from which setbacks are measured and for marking building corners.
2. **On Completion of the Enclosed Exterior Construction.** The property owner shall notify the Montmorency County Building Inspector and Zoning Administrator in writing when ready for inspection. Following final inspection, the Zoning Administrator shall issue the property owner a certificate of compliance if he/she finds the building or structure in conformity with the Ordinance.
3. The Zoning Administrator, township officials, and agents shall have the right to inspect lots, buildings, and/or structures to determine violations of or compliance with this Ordinance. The Zoning Administrator, township officials, and agents may exercise this right to inspection by consent of the person having the right to possession of the lot, building, or structure or any part thereof, or by administrative search warrant issued by a court of competent jurisdiction.

**C. Signed Copies.**

After approval pursuant to [Article 5](#), copies of the application and plot plan or site plan submitted shall be signed and dated. One (1) copy shall be filed with the Montmorency County Building Inspector for a

<b>1</b> Purpose	<b>2</b> Definitions	<b>3</b> General Provisions	<b>4</b> District Regulations	<b>5</b> Site Plan Review & Plot Plans
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building permit, one (1) copy with the Township, and one (1) returned to the applicant with a card or other written statement specifying the terms of the zoning permit for posting on the premises during the progress of any construction authorized. No permit shall be transferable.

**D. Zoning Permit Expiration.**

1. Completion of the exterior of the structure shall not exceed twelve (12) months from issue date, but the permit may be renewed for an additional twelve (12) months upon reapplication and payment of the original fee, subject to the provisions of the Ordinance then in effect.
2. A case of failure or neglect to comply with the provisions of this Ordinance, or in case of false statements or misrepresentations made in the application, shall be considered a violation of this Ordinance.

**E. Failure to Obtain a Zoning Permit.**

1. Any person, partnership, limited liability company, corporation, association, or other entity who fails to obtain any necessary zoning permit shall be subject to [Section 9.9](#) unless a Permit-After-the-Fact is obtained pursuant to [subsection 2](#) below.
2. **Permit After-the-Fact.** Any building erected, relocated, or altered which requires a zoning permit from the Township which begins without first obtaining the required permit may be issued that permit (and all permits necessary for approval), but this permit (and possibly others) will be considered a permit after-the-fact. An after-the-fact permit form is the same as a standard permit form, but the fee is double the cost of the standard permit fee. This fee doubling applies to all permits and applications necessary for approval of the project. The permits and applications regulated in the Zoning Ordinance which can be filed as after-the-fact permits include but are not limited to zoning permits, site plans, variances, rezoning, and Special Use Permits. Additional engineering may be requested by the Township and will be paid in full by the applicant. The payment of after-the-fact permit fees and approval of an after-the-fact permit does not constitute a remedy for any citation or court action involving such a project. Citations for violating this Ordinance may also be issued for any project which does not abide by this Ordinance.

**F. Conformance with Approved Plans.**

Permits issued on the basis of plans and applications approved by the Zoning Administrator or Planning Commission authorize only the use, arrangement, and construction set forth in such approved plans and applications, and no other use, arrangement, or construction. Use, arrangement, or construction at variance with that authorized shall be deemed a violation of this Ordinance, and punishable as provided by [Section 9.9](#).

**G. Zoning Certificate of Compliance.**

Where a zoning permit is not required for the use of the land or premises, the Zoning Administrator shall

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issue the property owner a zoning certificate of compliance on application, certifying that the use of such land complies with all provisions of this Ordinance.

H. **Stop Work Order.**

Upon notice from the Zoning Administrator of the occurrence of unauthorized activity or the existence of site conditions contrary to any provisions of this Ordinance or **2006 PA 110**, the Michigan Zoning Enabling Act, as amended, such activity shall be immediately stopped and/or said site conditions shall be immediately abated. Upon determining that such unauthorized conditions are present or such unauthorized activities are occurring, the Zoning Administrator shall post a stop work order on the said premises. The stop work order shall be in writing and shall also be given to the owner of the property involved, or to the owner's agent, or to the person involved in such activity or the person responsible for such unauthorized site conditions or activity, and shall state the terms under which the stop work order will be rescinded or removed. Any person, firm or company who continues such activity or fails to correct such site conditions after having been served with the stop work order shall be subject to **Section 9.9**.

**Section 9.3 Interpretation & Conflicts**

A. **Conflicts when this Zoning Ordinance is More Restrictive.**

Whenever any provision of this Ordinance imposes more stringent requirements, regulations, restrictions or limitations than are imposed or required by the provisions of any other law, ordinance, or private deed restrictions, then the provisions of this Ordinance shall govern except where legally superseded by such law or ordinance.

B. **Conflicts when Another Ordinance is More Restrictive.**

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

C. **Conflicts within this Ordinance.**

Where any provision of this Ordinance differs from any other provision of this Ordinance, the more restrictive requirement shall prevail.

1. **Conflicting Graphics, Tables, and Text.** The graphics, tables, and text used throughout this Ordinance are regulatory. In case of a conflict, text shall control over tables or graphics; tables shall control over graphics.

<b>1</b> Purpose	<b>2</b> Definitions	<b>3</b> General Provisions	<b>4</b> District Regulations	<b>5</b> Site Plan Review & Plot Plans
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**Section 9.4 Fees**

- A. Fees for inspection and the issuance of permits or copies thereof required or issued under the provisions of this Ordinance shall be collected by the Zoning Administrator in advance of issuance. The amount of such fees shall be established by resolution of the Township Board.
  - 1. To assist in defraying the cost of zoning administration, inspection, investigations, review, and necessary advertisements, the Township Board may from time to time, by resolution, adopt a Fee Schedule governing certain provisions of this Ordinance.
  - 2. Said fees shall be placed in the appropriate fund, as determined from time to time by the Township Board, and such fees shall be used solely for costs of administration or as directed by the Township Board.
  
- B. The amount of these zoning fees shall cover the costs associated with the review of the application or appeal, including but not limited to the costs associated with conducting public hearings, publishing notices in the newspaper, sending required notices to property owners, postage, photocopying, mileage, time spent by Township staff, and time spent by the members of the Planning Commission and/or Zoning Board of Appeals. Such fee may be used to reimburse another party retained by the Township to provide expert consultation and advice regarding the application. The Township may return any unused portion of the fee to the applicant. Any costs of special meetings called to review site plans shall be borne by the applicant. The basic zoning fees shall be paid before any application required under this Ordinance is processed. The basic zoning fees are non-refundable, even when the applicant withdraws an application or appeal.
  
- C. **Additional Fees.**
  - 1. If the Zoning Administrator, Planning Commission, or Zoning Board of Appeals determines that the basic zoning fees will not cover the actual costs of the application review or appeal, or if the Zoning Administrator, Planning Commission, or Zoning Board of Appeals determines that review of the application and/or participation in the review process or appeal by qualified professional planners, engineers, attorneys, or other professionals is necessary, then the applicant shall deposit, with the Township Treasurer, such additional zoning fees in an amount determined by the Zoning Administrator equal to the estimated additional costs.
  - 2. The additional zoning fees shall be held in escrow in the applicant's name and shall be used solely to pay these additional costs. If the amount held in escrow becomes less than ten (10%) percent of the initial escrow deposit or less than ten (10%) percent of the latest additional escrow deposit and review of the application or decision on the appeal is not completed, then the Planning Commission or Zoning Board of Appeals may require the applicant to deposit additional fees into escrow in an amount determined by the Zoning Administrator to be equal to the estimated costs to complete the review or decide the appeal.

<b>1</b> Purpose	<b>2</b> Definitions	<b>3</b> General Provisions	<b>4</b> District Regulations	<b>5</b> Site Plan Review & Plot Plans
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- 3. Failure of the applicant to make any escrow deposit required under this Ordinance shall be deemed to make the application incomplete or the appeal procedurally defective thereby justifying the denial of the application or the dismissal of the appeal.
- 4. Any unexpended funds held in escrow shall be returned to the applicant following final action on the application or the final decision on the appeal.
- 5. Any actual costs incurred by the Township in excess of the amount held in escrow shall be billed to the applicant and shall be paid by the applicant prior to the issuance of any certificate or prior to the final decision on an appeal.

**Section 9.5 Performance Guarantee**

In connection with the construction of improvements through site plan approval, Special Use approval, or a PUD project, the Planning Commission may require the applicant to furnish the Township with a performance guarantee in the form of a cash deposit, certified check, irrevocable bank letter of credit, or surety bond acceptable to the Township in an amount equal to the estimated costs associated with the construction of public and site improvements. Public improvements mean, by way of example and not limitation, roads, parking lots, and water and sewer systems which are located within the development or which the applicant has agreed to construct even though located outside the development. Site improvements mean landscaping, buffering, the completion of conditions imposed by the Planning Commission which are located within the development, and site restoration. For purposes of this Section, the costs covered by the performance guarantee shall include all of the following: (1) the purchase, construction, and/or installation of the improvements, (2) architectural and engineering design and testing fees and related professional costs, and (3) an amount for contingencies consistent with generally accepted engineering and/or planning practice. The performance guarantee shall be deposited with the Township Clerk at or before the time the Township issues the permit authorizing the development, or if the development has been approved in phases, then the performance guarantee shall be deposited with the Township Clerk prior to the commencement of construction of a new phase. The performance guarantee shall ensure completion of the public and site improvements in accordance with the plans approved by the Planning Commission. Any cash deposit or certified funds shall be refunded for the development or each phase of a multi-phase development in the following manner:

- A. One-third (1/3) of the cash deposit after completion of one-third (1/3) of the public and site improvements;
- B. Another one-third (1/3) of the cash deposit after completion of two-thirds (2/3) of the public and site improvements; and
- C. The balance at the completion of the public and site improvements.

Any irrevocable bank letter of credit or surety bond shall be returned to the applicant upon completion of the public improvements. If a development is to be completed in phases, then the Planning Commission may require the applicant to furnish a performance guarantee as provided in this Section for each phase

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of the development. If an applicant has contracted with a third party to construct the public and site improvements and the third party has provided a bond meeting the requirements described above and the bond also names the Township as a third-party beneficiary of the bond, then the Planning Commission may accept that bond as meeting all or a portion of the performance guarantee required by this Section.

## Section 9.6 Public Notice Requirements

All applications for development approval requiring a public hearing shall comply with the [Michigan Zoning Enabling Act, 2006 PA 110](#) as amended, MCL 125.3101 et. seq. and the other provisions of this Section with regard to public notification.

### A. Published Notice.

When the provisions of this Ordinance or the [Michigan Zoning Enabling Act](#) require that notice be published, the Zoning Administrator shall be responsible for preparing the content of the notice, having it published in a newspaper of general circulation in the Township and mailed or delivered as provided in this Section.

### B. Content.

All mail, personal and newspaper notices for public hearings shall:

1. **Describe the Nature of the Request.** Identify whether the request is for a rezoning, text amendment, Special Use, Planned Unit Development, variance, appeal, Ordinance interpretation, or other purpose.
2. **Location.** Indicate the property that is subject to the request. The notice shall include a listing of all existing street addresses within the subject property. Street addresses do not need to be created and listed if no such addresses currently exist within the property. If there are no street addresses, other means of identification may be used such as a tax parcel identification number, identification of the nearest cross street, or the inclusion of a map showing the location of the property. No street addresses must be listed when eleven (11) or more adjacent properties are proposed for rezoning, or when the request is for an Ordinance interpretation not involving a specific property.
3. **Date, Time, and Meeting Location.** When and where the request will be considered: indicate the date, time, and place of the public hearing(s).
4. **Written Comments.** Include a statement describing when and where written comments will be received concerning the request. Include a statement that the public may appear at the public hearing in person or by counsel.

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

5. **Disabled Access.** Information concerning how disabled access will be accommodated if the meeting facility is not disabled accessible.

C. **Notice.**

1. Except as noted in [subsection C.2](#) and [subsection C.3](#) below, notices for all public hearings shall be published and/or given as follows:
  - a. Notice of the hearing shall be published and/or given not less than fifteen (15) days before the date of the public hearing.
  - b. Notice of the hearing shall be published in a newspaper of general circulation.
  - c. Notice shall be sent by mail or personal delivery to the owners of property for which approval is being considered and the applicant, if different than the owner(s) of the property.
  - d. Notice shall also be sent by mail to all persons to whom real property is assessed within three hundred (300') feet of the property and to the occupants of all structures within three hundred (300') feet of the property regardless of whether the property or occupant is located in the Township.
    - (1) If the name of the occupant is not known, the term "occupant" may be used in making notification under this subsection.
    - (2) Notification need not be given to more than one (1) occupant of a structure, except that if a structure contains more than one (1) dwelling unit or spatial area owned or leased by different individuals, partnerships, businesses, or organizations, one (1) occupant of each unit or spatial area shall receive notice. In the case of a single structure containing more than four (4) dwelling units or other distinct spatial areas owned or leased by different individuals, partnerships, businesses, or organizations, notice may be given to the manager or owner of the structure who shall be requested to post the notice at the primary entrance to the structure.
2. Newspaper publication as required in [subsection C.1](#) above shall be the only notice required for an amendment to the Zoning Ordinance or the zoning map that affects eleven (11) or more properties.
3. For ordinance interpretations and appeals of administrative decisions by the Zoning Board of Appeals and requests that do not affect a specific property, the only notice required shall be to the applicant and by newspaper publication, as required in [subsection C.1](#) above.
4. **Notice Deemed Given.** Notice shall be deemed given when personally delivered or by its deposit in the United States mail, first class, properly addressed, and postage paid. The Zoning

<b>1</b> Purpose	<b>2</b> Definitions	<b>3</b> General Provisions	<b>4</b> District Regulations	<b>5</b> Site Plan Review & Plot Plans
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Administrator shall prepare a list of property owners and registrants to whom notice was mailed, as well as of anyone to whom personal notice was delivered.

**5. Registration to Receive Notice by Mail.**

- a. **General.** Each electric, gas, and pipeline utility company, each railroad, each telecommunication service provider, and the airport manager of each airport may register its name and address with the Township to receive written notice of all public hearings. The Township Clerk shall be responsible for providing this notification, as established by the Township Board.
- b. **Requirements.** The requesting party must provide the Zoning Administrator information to ensure notification can be made.

**Section 9.7 Use of Consultants**

From time to time, the Township Board, Planning Commission, and/or Zoning Board of Appeals may employ planning, engineering, legal, traffic, or other special consultants to assist in the review of Special Use permits, site plans, rezonings, or other matters related to the planning and development of the Township.

**Section 9.8 Conditions**

The Planning Commission and Zoning Board of Appeals may attach reasonable conditions on discretionary zoning decisions under their jurisdiction. These conditions may include those necessary to ensure 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 ensure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner. Any conditions imposed, however, shall meet all of the following requirements:

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

<b>1</b> Purpose	<b>2</b> Definitions	<b>3</b> General Provisions	<b>4</b> District Regulations	<b>5</b> Site Plan Review & Plot Plans
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**Section 9.9 Violations & Penalty**

- A. Any land, dwellings, buildings, or structures, including tents and recreational vehicles, used, erected, altered, razed, or converted in violation of this Ordinance or in violation of any regulations, conditions, permits, or other rights granted, adopted, or issued pursuant to this Ordinance are hereby declared to be a nuisance per se.
- B. Any person, partnership, corporation, association, or other legal entity who creates or maintains a nuisance per se as defined in subsection A above or who violates or fails to comply with this Ordinance or any permit issued pursuant to this Ordinance shall be responsible for a municipal civil infraction as defined in **Public Act 12 of 1994, amending 1961 PA 236**, being Sections 600.101-600.9939 of Michigan Compiled Laws, and shall be subject to a fine of not more than Five Hundred and 00/100 (\$500.00) Dollars. Every day that such violation continues shall constitute a separate and distinct offense under the provisions of this Ordinance. Nothing in this Section shall exempt the offender from compliance with the provisions of this Ordinance.
- C. The Township Supervisor and Zoning Administrator are hereby designated as the authorized township officials to issue municipal civil infraction citations directing alleged violators of this Ordinance to appear in court.
- D. In addition to enforcing this Ordinance through the use of a municipal civil infraction proceeding, the Township may initiate proceedings in the Circuit Court to abate or eliminate the nuisance per se or any other violation of this Ordinance.

**Section 9.10 Rehearing Process**

**A. Rehearing Performed by Planning Commission or ZBA.**

The Planning Commission or Zoning Board of Appeals may grant a rehearing under exceptional circumstances for any decision made by it. A rehearing shall mean that the body which originally reviewed the request shall be the body which reviews the same request again. Exceptional circumstances shall mean any of the following:

- 1. The applicant who brought the matter before the Planning Commission or Zoning Board of Appeals made misrepresentations concerning a material issue, which was relied upon by the Planning Commission or Zoning Board of Appeals in reaching its decision.
- 2. There has been a material change in circumstances regarding the Planning Commission or Zoning Board of Appeals' findings of fact, which occurred after the site plan review or public hearing.
- 3. The Township attorney, by written opinion, states that the decision made by the Planning Commission or Zoning Board of Appeals or the procedure used in the matter was clearly erroneous.

<b>1</b> Purpose	<b>2</b> Definitions	<b>3</b> General Provisions	<b>4</b> District Regulations	<b>5</b> Site Plan Review & Plot Plans
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**B. Rehearing Procedure.**

A rehearing may be requested by the applicant or by the Zoning Administrator, or rehearing may be granted by the Planning Commission or Zoning Board of Appeals on its own motion.

1. **Time Limit.** A request for a rehearing which is made by an applicant must be made within twenty-one (21) days from the date on which the applicant receives notification regarding the decision for which the rehearing is being requested.
2. A request for a rehearing made by the Zoning Administrator or a rehearing granted by the Planning Commission or Zoning Board of Appeals on its own motion may be granted at any time as long as the applicant has not been prejudiced by any delay.
3. Whenever the Planning Commission or Zoning Board of Appeals considers granting a rehearing, it shall provide written notice to the applicant that a rehearing will be considered. The notice may be served upon the applicant by first class mail at the applicant's last known address or may be served personally on the applicant. The notice must be served at least nine (9) days before the time set for the hearing if served by mail, or at least seven (7) days before the time set for the hearing if served by personal service. Service by mail shall be complete upon mailing. In addition to serving the above notice on the applicant, all other notice requirements for the type of decision being heard shall be completed before the Planning Commission or Zoning Board of Appeals holds a hearing at which it considers whether to grant a rehearing.
4. If the Planning Commission or Zoning Board of Appeals grants a rehearing, then the rehearing on the merits shall not be held until all notice requirements for the type of decision being reheard have been satisfied.

**Section 9.11 Approval Process Reference Chart**

The following table is a summary of basic requirements for various administrative actions under this Zoning Ordinance. It supplements the preceding text, but is not a substitute for it:

<b>1</b> Purpose	<b>2</b> Definitions	<b>3</b> General Provisions	<b>4</b> District Regulations	<b>5</b> Site Plan Review & Plot Plans
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**Table 9.11: Approval Process Reference Chart**

Type of action	Parties who may initiate action	Body making decision	Public hearing required	Published notice(s)- Number of days before hearing	Mailed notice to all owners and occupants within 300 feet - days before hearing	Body to which applicant may appeal	
Single- & two-family dwelling, accessory bldgs, change of use, fences, signs- §5.1	Applicant	ZA	No	----	----	ZBA	
Multiple-Family, Commercial, Industrial, Utility & Institutional Structures/Uses - §5.1	Applicant	PC	No (unless listed as Special Use)	----	----	ZBA	
Special Use	Applicant	PC	Yes	Not less than 15 days	Not less than 15 days	ZBA	
Variance	Applicant	ZBA	Yes	Not less than 15 days	Not less than 15 days	Circuit Court	
Interpretation	Applicant, PC, or ZA	ZBA	Yes	Not less than 15 days	----	Circuit Court	
Appeal from decision	Any aggrieved party	ZBA	Yes	Not less than 15 days	Not less than 15 days	Circuit Court	
Text amendment or Rezoning	Applicant, PC, or TB	Step 1: PC recommends to TB	Yes	Not less than 15 days	Not less than 15 days	----	
		County Planning Commission reviews amendment & provides comment (30 days)					
		Step 2: TB	No	----	----	----	
		Step 3: TB publishes Notice of Adoption in newspaper (within 15 days after adoption). Rezoning (map amendment) goes into effect on 8th day after publication.					
Zoning enforcement	ZA	----	----	----	----	ZBA	

ZA = Zoning Administrator PC = Planning Commission TB = Township Board ZBA = Zoning Board of Appeals

# Article 10

## Adoption and Amendments

Sec	Name	Pg	Sec	Name	Pg
10.1	<a href="#">Amendment to this Ordinance</a>	10-1	10.6	<a href="#">Rights &amp; Remedies</a>	10-7
10.2	<a href="#">Amendment Procedures</a>	10-1	10.7	<a href="#">Vested Right</a>	10-7
10.3	<a href="#">Rezoning Review</a>	10-3	10.8	<a href="#">Repeal of Previous Ordinance</a>	10-8
10.4	<a href="#">Conditional Rezoning</a>	10-3	10.9	<a href="#">Adoption &amp; Effective Dates</a>	10-8
10.5	<a href="#">Severability</a>	10-7	10.10		

### Section 10.1 Amendment to this Ordinance

- A. The Township Board is authorized and empowered to cause this Ordinance to be amended, supplemented, or changed, pursuant to the authority and according to the procedures set forth in the [Michigan Zoning Enabling Act, 2006 PA 110](#), as amended.
- B. The regulations and provisions stated in the text of this Ordinance and the boundaries of zoning districts shown on the Zoning Map may be amended, supplemented, or changed by action of the Township Board following a recommendation from the Township Planning Commission.
- C. Proposals for amendments, supplements, or changes may be initiated by the Township Board on its own motion, by the Township Planning Commission, or by petition of one (1) or more owners of property to be affected by the proposed amendment.

### Section 10.2 Amendment Procedures

The procedure to be followed for initiating and processing an amendment shall be as follows:

**A. Filing of Amendment Application.**

Each application, by one (1) or more persons, for an amendment shall be submitted by application to the Zoning Administrator on a standard form provided and shall be accompanied by the fee as prescribed by the Township Board. No part of such fee shall be returnable to a petitioner if the public hearing is held. Applications shall be submitted at least forty-five (45) days prior to the meeting date at which the public hearing will be held. All amendments or supplements shall be referred to the Township Planning Commission for study, recommendation, and public hearing.

**B. Public Hearing.**

Before making a recommendation on an amendment, the Planning Commission shall conduct at least one (1) public hearing, notice of the time and place of which shall be given pursuant to [Section 9.6](#).

<b>1</b> Purpose	<b>2</b> Definitions	<b>3</b> General Provisions	<b>4</b> District Regulations	<b>5</b> Site Plan Review & Plot Plans
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C. **Planning Commission Action.**

1. The Planning Commission shall consider each proposal for amendment on particular factors related to the individual proposal and in terms of the likely effect on the community's physical development. The Planning Commission may recommend any additions or modifications to the original proposal.
2. **Submission to County Planning Commission.** Following the public hearing, the Township Planning Commission shall submit the proposed amendment including any zoning map changes and any comments received at the public hearing to the County Planning Commission or to a coordinating zoning committee appointed by the County Board of Commissioners. If the recommendation of the County Planning Commission/committee has not been received within thirty (30) days after the receipt of the amendment by the County, it shall be conclusively presumed that the County has waived its right for review.
3. **Submission to Township Board.** The Township Planning Commission shall submit a final report/recommendation to the Township Board along with a summary of the comments received at the public hearing and from the County.

D. **Township Board Action.**

1. **Optional Public Hearing.** The Township Board may hold additional public hearings if they decide it is necessary. Notice of such hearing shall be pursuant to [Section 9.6](#). The Township shall grant a hearing on a proposed ordinance provision to an interested property owner who requests a hearing by certified mail, addressed to the Township Clerk.
2. **Township Board Decision.** The Township Board may adopt or reject any proposed amendment, or refer it back to the Planning Commission for further review as prescribed in Section 401 of the [Michigan Zoning Enabling Act, 2006 PA 110](#), as amended.
3. **Notice of Adoption.** Once adopted by the Township Board, amendments to this Ordinance shall be filed with the Township Clerk, and one (1) notice of adoption shall be published in a newspaper of general circulation in the Township within fifteen (15) days after adoption. Any amendments to this Ordinance shall take effect on the eighth (8<sup>th</sup>) day after publication or at a later date as may be specified by the Township Board at the time of adoption.

The notice of adoption for Zoning Ordinance amendments shall include the following:

- a. Either a summary of the regulatory effect of the zoning ordinance amendment, including the geographic area affected, or the text of the zoning ordinance amendment.
- b. The effective date of the zoning ordinance amendment.

<b>1</b> Purpose	<b>2</b> Definitions	<b>3</b> General Provisions	<b>4</b> District Regulations	<b>5</b> Site Plan Review & Plot Plans
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- c. The place where and time when a copy of the zoning ordinance amendment may be purchased or inspected.

**E. Resubmittal.**

No petition for rezoning, which has been disapproved by the Township Board, shall be submitted for a period of one (1) year from the date of disapproval except as permitted by the Township Board after becoming aware of new evidence which may result in approval upon resubmittal.

**Section 10.3 Rezoning Review**

The Planning Commission shall review and apply the following factors in the consideration of any rezoning request.

- A. Is the proposed rezoning consistent with the goals and objectives of the Township Master Plan?
- B. Is the proposed rezoning reasonably consistent with surrounding uses?
- C. Will there be an adverse physical impact on surrounding properties?
- D. Will there be an adverse effect on property values in the adjacent area?
- E. Have there been changes in land use or other conditions in the immediate area or in the community in general which justify rezoning?
- F. Will rezoning grant a special privilege to an individual property owner when contrasted with other property owners in the area or the general public (i.e. will rezoning result in spot zoning)?
- G. Is the site served by adequate public facilities or is the petitioner able to provide them?

**Section 10.4 Conditional Rezoning**

**A. Intent.**

It is recognized that there are certain instances where it would be in the best interests of the Township, as well as advantageous to property owners seeking a change in zoning boundaries, if certain conditions could be proposed by property owners as part of a request for a rezoning. It is the intent of this Section to provide a process consistent with Section 405 of the [Michigan Zoning Enabling Act, 2006 PA 110](#), as amended, by which an owner seeking a rezoning may voluntarily propose conditions regarding the use of land as part of the rezoning request.

**B. Application and Offer of Conditions.**

<b>1</b> Purpose	<b>2</b> Definitions	<b>3</b> General Provisions	<b>4</b> District Regulations	<b>5</b> Site Plan Review & Plot Plans
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1. An owner of land may voluntarily offer, in writing, conditions relating to the use of land for which a rezoning is requested. This offer may be made either at the time the application for rezoning is filed or may be made at a later time during the rezoning process.
2. The required application and process for considering a rezoning request with conditions shall be the same as that for considering rezoning requests made without any offer of conditions, except as modified by the requirements of this Section.
3. The owner’s offer of conditions may not authorize uses not permitted in the requested new zoning district.
4. The owner’s offer of conditions shall bear a reasonable and rational relationship to the property for which rezoning is requested.
5. Any use proposed as part of an offer of conditions that would require a Special Use permit, variance, or site plan approval under the terms of this Ordinance may only be commenced if the Special Use permit, variance, or site plan approval for such use is ultimately granted in accordance with the provisions of this Ordinance.
6. The offer of conditions may be amended during the process of rezoning consideration provided that any amended or additional conditions are entered voluntarily by the owner. An owner may withdraw all or part of its offer of conditions any time prior to final rezoning action of the Township Board provided that, if such withdrawal occurs subsequent to the Planning Commission’s public hearing on the original rezoning request, then the rezoning application shall be referred to the Planning Commission for a new public hearing with appropriate notice and a new recommendation.

**C. Planning Commission Review.**

The Planning Commission, after public hearing as set forth in [Section 9.6](#) of this Ordinance and consideration of the factors set forth in [Section 10.3](#) (except 10.3.F) of this Ordinance, may recommend approval, approval with recommended changes, or denial of rezoning provided, however, that any recommended changes to the offer of conditions are acceptable to and thereafter offered by the owner.

**D. County Planning Commission Review.**

Following the public hearing before the Township Planning Commission, the conditional rezoning application shall be submitted to Montmorency County as specified in [Section 10.2.C.2](#) for a not more than thirty (30) day review period, according to the provisions of Section 307 of the [Michigan Zoning Enabling Act, 2006 PA 110](#), as amended.

**E. Township Board Review.**

After receipt of the Planning Commission’s recommendation, the Township Board shall deliberate upon

<b>1</b> Purpose	<b>2</b> Definitions	<b>3</b> General Provisions	<b>4</b> District Regulations	<b>5</b> Site Plan Review & Plot Plans
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the requested conditional rezoning and may approve or deny the request. Should the Township Board consider amendments to the proposed conditional rezoning advisable and if such contemplated amendments to the offer of conditions are acceptable to and thereafter offered by the owner, then the Township Board shall, in accordance with Section 401 of the **Michigan Zoning Enabling Act, 2006 PA 110**, as amended, refer such amendments to the Planning Commission for a report thereon within a time specified by the Township Board, and proceed thereafter in accordance with said statute to deny or approve the conditional rezoning with or without amendments.

**F. Approval.**

1. If the Township Board finds the rezoning request and offer of conditions acceptable, the offered conditions shall be incorporated into a formal written Statement of Conditions acceptable to the owner and conforming in form to the provisions of this Section. The Statement of Conditions shall be incorporated by attachment or otherwise as an inseparable part of the Ordinance adopted by the Township Board to accomplish the requested rezoning.
2. The Statement of Conditions shall:
  - a. Be in a form recordable with the **Montmorency County Register of Deeds**, or as an alternative, be accompanied by a recordable Affidavit or Memorandum prepared and signed by the owner giving notice of the Statement of Conditions in a manner acceptable to the Township Board.
  - b. Contain the legal description and tax identification number of the land to which it pertains.
  - c. Contain a statement acknowledging that the Statement of Conditions runs with the land and is binding upon successor owners of the land.
  - d. Incorporate, by attachment or reference, any diagram, plans, or other documents submitted or approved by the owner that are necessary to illustrate the implementation of the Statement of Conditions. If any such documents are incorporated by reference, the reference shall specify where the document may be examined.
  - e. Contain a statement acknowledging that the Statement of Conditions or an Affidavit or Memorandum giving notice thereof may be recorded by the Township with the **County Register of Deeds**.
  - f. Contain the notarized signatures of all owners of the subject land preceded by a statement attesting to the fact that they voluntarily offer and consent to the provisions contained within the Statement of Conditions.
3. Upon the rezoning taking effect, the Zoning Map shall be amended to reflect the new zoning classification along with a designation the land was rezoned with a Statement of Conditions. The Township Clerk shall maintain a listing of all lands rezoned with a Statement of Conditions.

<b>1</b> Purpose	<b>2</b> Definitions	<b>3</b> General Provisions	<b>4</b> District Regulations	<b>5</b> Site Plan Review & Plot Plans
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4. The approved Statement of Conditions or an Affidavit or Memorandum giving notice thereof shall be filed by the Township with the **County Register of Deeds**. The Township Board shall have authority to waive this requirement if it determines that, given the nature of the conditions and/or the timeframe within which the conditions are to be satisfied, the recording of such a document would be of no material benefit to the Township or to any subsequent owner of the land.
5. Upon the rezoning taking effect, the use of the land so rezoned shall conform thereafter to all the requirements regulating use within the new zoning district as modified by any more restrictive provisions contained in the Statement of Conditions.

**G. Compliance with Conditions.**

1. Any person who commences a use upon land that has been rezoned with conditions shall continuously operate and maintain the use in compliance with all the conditions set forth in the Statement of Conditions. Any failure to comply with a condition contained within the Statement of Conditions shall constitute a violation of this Ordinance and be punishable accordingly.
2. No permit or approval shall be granted under this Ordinance for any use that is contrary to an applicable Statement of Conditions.

**H. Time Period for Establishing Use.**

Unless another time period is specified in the Ordinance, the approved use of the land pursuant to building or other required permits must be commenced upon the land and substantial construction shall be shown within twenty-four (24) months after the rezoning took effect and thereafter proceeded diligently to completion. This time limitation may upon written request be extended by the Township Board if (1) it is demonstrated to Township Board’s reasonable satisfaction that there is a strong likelihood that the use will commence within the period of extension and proceed diligently thereafter to completion, and (2) the Township Board finds that there has not been a change in circumstances that would render the current zoning with Statement of Conditions incompatible with other zones and uses in the surrounding area or otherwise inconsistent with sound zoning policy.

**I. Reversion of Zoning.**

If the approved use of the rezoned land does not occur within the timeframe specified under **subsection H** above, then the land shall revert to its former zoning classification. The reversion process shall be initiated by the Township Board requesting that the Planning Commission proceed with consideration of rezoning the land to its former zoning classification. The procedure for considering and making this reversionary rezoning shall be the same as applies to all other rezoning requests.

**J. Subsequent Rezoning of Land.**

<b>1</b> Purpose	<b>2</b> Definitions	<b>3</b> General Provisions	<b>4</b> District Regulations	<b>5</b> Site Plan Review & Plot Plans
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When land that is rezoned with a Statement of Conditions is thereafter rezoned to a different zoning classification or to the same zoning classification, but with a different or no Statement of Conditions, whether as a result of a reversion of zoning pursuant to [subsection I](#) above or otherwise, the Statement of Conditions imposed under the former zoning classification shall cease to be in effect. Township Clerk shall record with the [County Register of Deeds](#) that the Statement of Conditions is no longer in effect.

**K. Amendment of Conditions.**

1. During the time period for commencement of an approved use specified pursuant to [subsection H](#) above or during any extension thereof granted by the Township Board, the Township shall not add to or alter the conditions in the Statement of Conditions.
2. The Statement of Conditions may be amended thereafter in the same manner as was prescribed for the original rezoning and Statement of Conditions.

**L. Township Right to Rezone.**

Nothing in the Statement of Conditions or in the provisions of this Section shall be deemed to prohibit the Township from rezoning all or any portion of land that is subject to a Statement of Conditions to another zoning classification. Any rezoning shall be conducted in compliance with this Ordinance and the [Michigan Zoning Enabling Act, 2006 PA 110](#), as amended.

**M. Failure to Offer Conditions.**

The Township shall not require any owner to offer conditions as a requirement for rezoning. The lack of an offer of conditions shall not affect an owner’s rights under this Ordinance.

**Section 10.5 Severability**

This Ordinance and the various parts, sections, subsections, phrases, and clauses thereof are hereby declared to be severable. If any part, article, section, sentence, phrase, or clause is adjudged unconstitutional or invalid, it is hereby provided that the remainder of the Ordinance shall not be affected thereby.

**Section 10.6 Rights & Remedies**

The rights and remedies provided herein are cumulative and in addition to any other remedies provided by law.

**Section 10.7 Vested Right**

Nothing in this Ordinance should be interpreted or construed to give rise to any permanent vested rights in the continuation of any particular district or zoning classification, and they are hereby declared to be

<b>1</b> Purpose	<b>2</b> Definitions	<b>3</b> General Provisions	<b>4</b> District Regulations	<b>5</b> Site Plan Review & Plot Plans
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subject to subsequent amendment, change, or modification as may be necessary for the preservation or protection of the public’s health, safety, and welfare.

**Section 10.8 Repeal of Previous Ordinance**

This Ordinance repeals and replaces any previous Avery Township Zoning Ordinance in its entirety.

**Section 10.9 Adoption & Effective Dates**

- A. This Ordinance was adopted on July 5, 2023, by the Avery Township Board of Trustees and will be effective July 19, 2023. The foregoing Zoning Ordinance and Zoning Map were presented at a public hearing before the Planning Commission on April 25, 2023.
- B. Amendments or revision to this Ordinance or Map of Zoning Districts shall become effective eight (8) days after publication, or a specified later date, of a notice of adoption of said amendments or revisions within fifteen (15) days of adoption in accordance with the [Michigan Zoning Enabling Act, 2006 PA 110](#), as amended.

I hereby certify that the above Ordinance was adopted by the Avery Township Board at a regular meeting held on July 19, 2023.

\_\_\_\_\_  
Township Clerk

Published: July 12, 2023

Effective Date: July 19, 2023

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