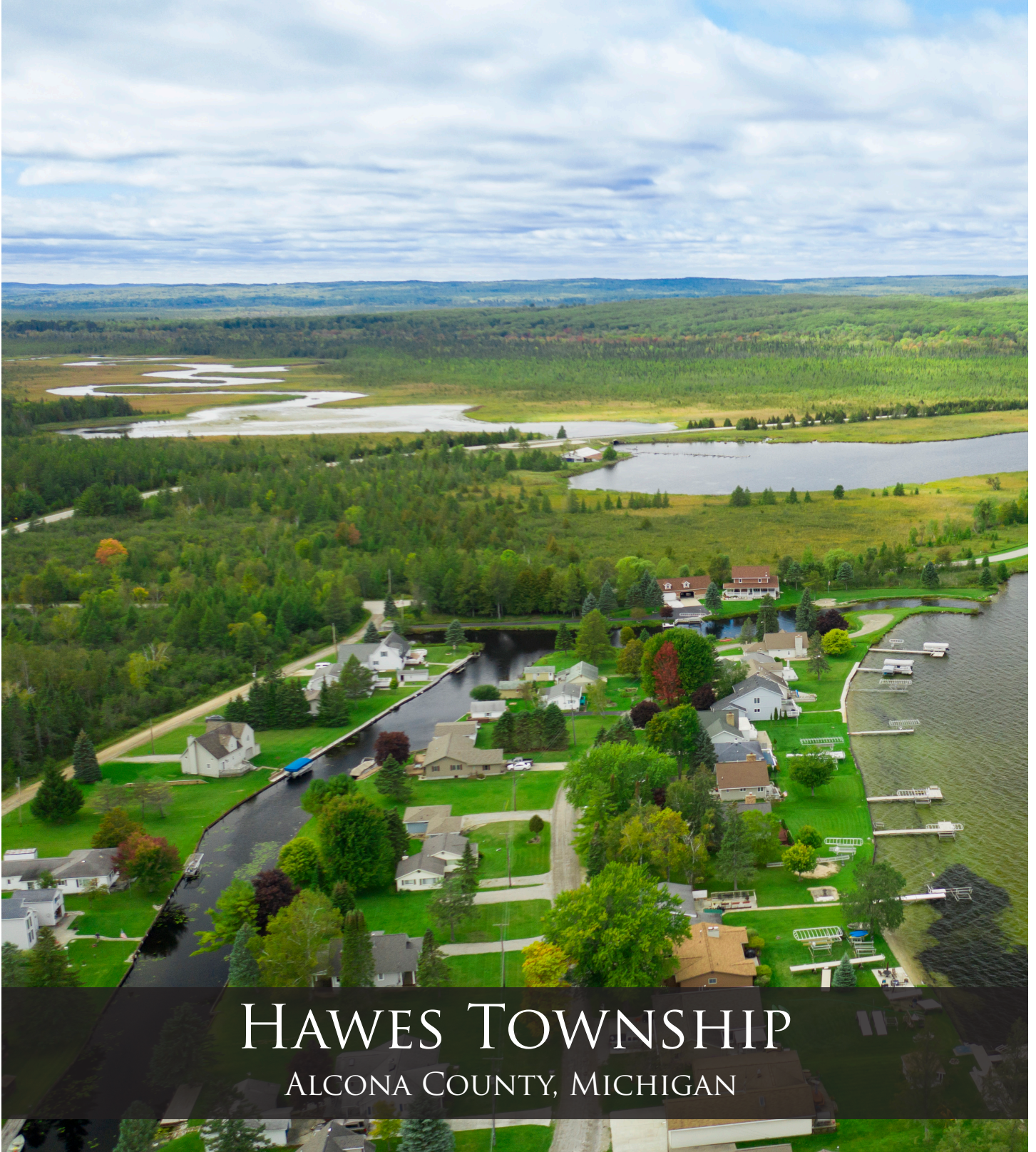


# ZONING ORDINANCE

ADOPTED JUNE 14, 2022



## HAWES TOWNSHIP

ALCONA COUNTY, MICHIGAN

# Hawes Township ZONING ORDINANCE

Hawes Township  
Alcona County  
Michigan

Adopted: June 14, 2022

Effective: June 29, 2022

*Prepared with the assistance of:*

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

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<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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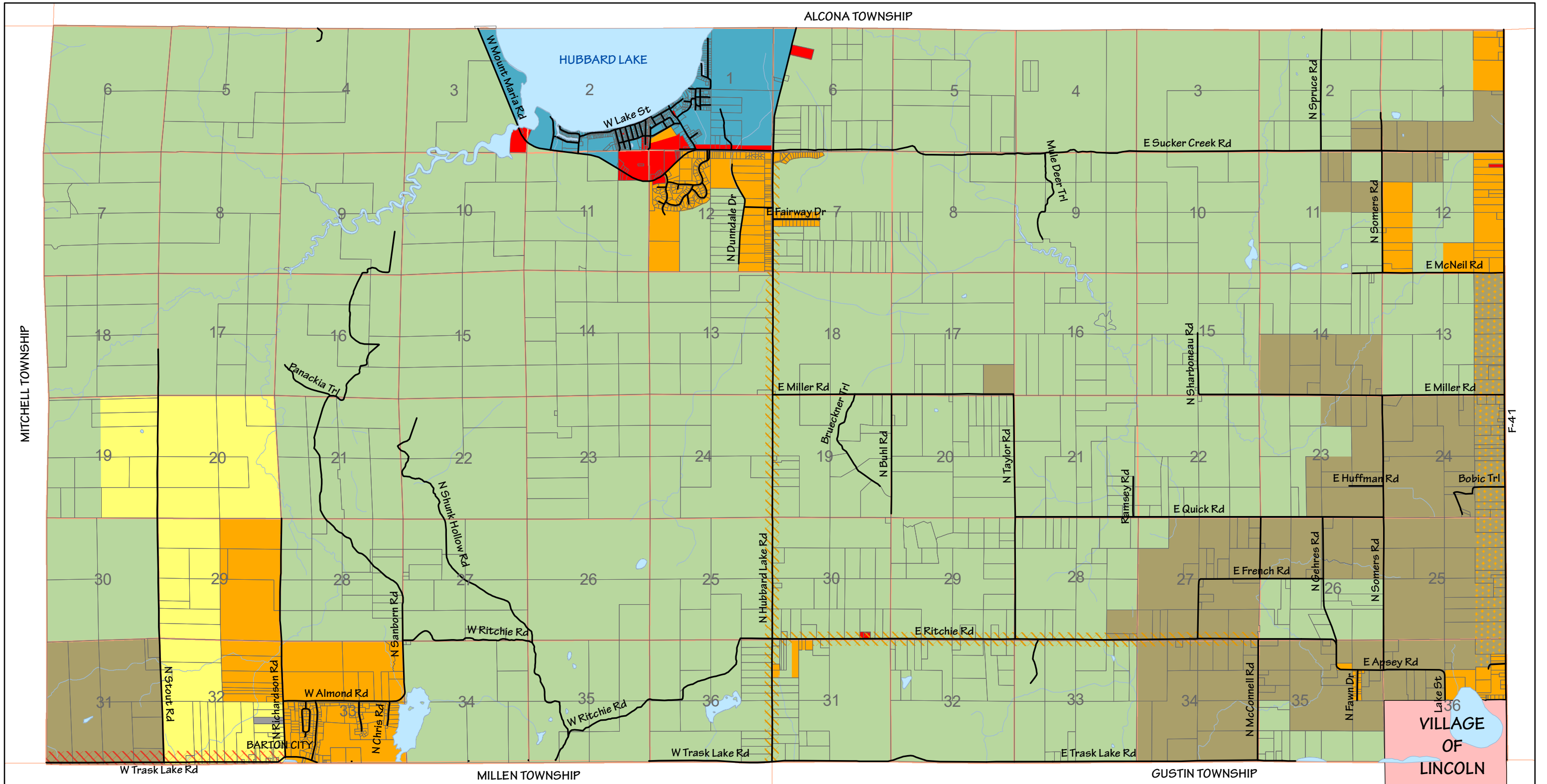
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# Hawes Township Zoning Map

Alcona County, Michigan

## ZONING DISTRICTS

- R-1 - Residential District
- R-2 - Residential-Lake Shore District
- AR - Agricultural-Residential District
- A - Agricultural District
- FR - Forest Recreational District
- C - Commercial District
- ID - Industrial Development District

- F41 Overlay Zone
- Trask Lake Overlay Zone
- Hubbard Lake Rd/Ritchie Rd Overlay Zone

- Lakes
- Roads
- Parcels
- Rivers
- Section Lines

Adopted: June 14, 2022  
 Effective: June 29, 2022

0    0.5    1    1.5    2  
 Miles

NORTH

DISCOVER  
**Northeast Michigan**  
 EAST OF EXPECTED

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

# Article 1

## Purpose & Authority

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The Township of Hawes ordains:

An ordinance to establish zoning districts and provisions governing Hawes Township, Alcona County, Michigan in accordance with the provisions of [2006 PA 100, the Michigan Zoning Enabling Act](#), as amended, and to provide for amendments, nonconforming uses, a Zoning Board of Appeals, and the administration of the Ordinance.

### Section 1.01 State Legislation Enabling Authority

This Ordinance is ordained and enacted into law pursuant to the provisions and in accordance with the State of Michigan, [Michigan Zoning Enabling Act, 2006 PA 110](#), as amended. Such enabling act is hereby made a part of this Ordinance just as if said Act was repeated word for word herein.

### Section 1.02 Title

This Ordinance shall be known as the Hawes Township Zoning Ordinance and within the following text, it may be referred to as this “Ordinance” or this “Zoning Ordinance.”

### Section 1.03 Purpose

The primary purpose of this Ordinance is to promote the public health, safety, morals, and general welfare, to encourage the use of lands in accordance with their character and adaptability, to limit the improper use of land, to avoid the overcrowding of population, to provide adequate light and air, to lessen congestion of the public roads and streets, to reduce the hazards to life and property, and to facilitate adequate provisions for sewage disposal, safe and adequate water supply, education, recreation, and other public requirements.

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## Section 2.01 Rules Applying to Text

For the purposes of this Ordinance, certain terms are defined to clarify the intent of the provisions of the Ordinance. The following rules shall apply, except, when clearly indicated otherwise:

- A. Specific regulations shall take precedence over general regulations.
- B. In the case of any difference of meaning or implication between the text of this Ordinance and any caption, the text shall control.
- C. The word "shall" is always mandatory and never discretionary. The word "may" is permissive.
- D. Words used in the present tense shall include the future.
- E. Words in the singular number shall also denote the plural and the plural shall also denote the singular.
- F. A "building" or "structure" includes any part thereof.
- G. The phrase "used for" includes "arranged for", "designed for", "intended for", "maintained for" and "occupied for".

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- H. Unless the context clearly indicates otherwise, where a regulation involves two (2) or more items, conditions, provisions, or events, the terms "and", "or", "either...or", such conjunction shall be interpreted as follows:
1. "And" denotes that all the connected items, conditions, provisions, or events apply in combination.
  2. "Or" indicates that the connected items, conditions, provisions, or events may apply singly or in any combination.
  3. "Either . . . or" indicates that the connected items, conditions, provisions, or events shall apply singly but not in combination.
- I. The term "person" shall mean an individual, firm, corporation, association, partnership, limited liability company or other legal entity, or their agents.
- J. Any word or term not defined herein shall be assumed to have the meaning customarily assigned to them.
- K. "Township" shall refer specifically to Hawes Township.
- L. Any necessary interpretation of this Ordinance shall be made by the Hawes Township Zoning Board of Appeals upon consultation with the Hawes Township Planning Commission.

### Section 2.02 Definitions

#### A

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

**Access.** A way of approaching or entering a property.

**Accessory Building.** A supplemental building or structure on the same premises as the main building occupied by or devoted exclusively to an accessory use, but not including dwelling, lodging, or sleeping purposes, unless otherwise allowed by this Ordinance.

**Accessory Dwelling Unit.** A dwelling unit that is accessory and secondary to the main dwelling unit located on the property. Also known as guest houses, garage apartments, mother-in-law suites, granny flats, etc.

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

**Adjacent Property.** Property which adjoins any side or corner of a specific parcel of land including, but not limited to, those lands separated from the parcel by a road right-of-way, easement, or public utility right-of-way.

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**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.**

A. A governmental or non-governmental establishment that provides foster care to adults. It 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. The following additional definitions shall apply in the application of this Ordinance:

1. **Adult Foster Care Family Home.** A private residence with the approved capacity to receive six (6) or fewer adults to be provided supervision, personal care, and protection in addition to room and board, twenty-four (24) hours a day, five (5) or more days a week and for two (2) or more consecutive weeks. The adult foster care family home licensee must be a member of the household and an occupant of the residence.
2. **Adult Foster Care Small Group Home.** An adult foster care facility with the approved capacity to receive twelve (12) or fewer adults who are provided supervision, personal care, and protection in addition to room and board, for twenty-four (24) hours a day, five (5) or more days a week, and for two (2) or more consecutive weeks.
3. **Adult Foster Care Large Group Home.** A facility with an approved capacity to receive at least thirteen (13) but not more than twenty (20) adults to be provided supervision, personal care, and protection in addition to room and board, twenty-four (24) hours a day, five (5) or more days a week, and 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. For state-licensed residential facilities which are not considered Family Adult Foster Care Homes, the licensee is NOT a member of the household nor is an occupant of the residence.

B. An adult foster care facility **DOES NOT** include the following:

1. A nursing home licensed under Article 17 of the [Public Health Code, 1978 PA 368](#), MCL 333.20101 to 333.22260.
2. A home for the aged licensed under Article 17 of the [Public Health Code, 1978 PA 368](#), MCL 333.20101 to 333.22260.

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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 the [Child Care Organizations Act, 1973 PA 116](#), MCL 722.111 to 722.128, if the number of residents who become eighteen (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 Veteran's Facility Act, 1885 PA 152](#), MCL 36.1 to 36.12.
10. An area excluded from the definition of adult foster care facility under Section 17(3) of the [Continuing Care Community Disclosure Act, 2014 PA 448](#), MCL 554.917.
11. A private residence with the capacity to receive at least one (1) but not more than four (4) adults who all receive benefits from a community mental health services program if the local community mental health services program monitors the services being delivered in the residential setting.

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

- A. Farm stays
- B. Bakeries selling goods grown primarily on-site

## Hawes Township Zoning Ordinance

- C. Educational tours, classes, lectures, and seminars
- D. Family-oriented animated barns (haunted houses)
- E. Gift shops for agriculturally-related products, crafts
- F. Historical agricultural exhibits
- G. Organized event space (weddings, birthdays, corporate picnics) – may also be classified as a Commercial Event Facility)
- H. Petting farms, animal display, and pony rides
- I. Picnic areas (including restrooms)
- 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

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

**Alterations.** Any change, addition, or modification in construction which changes the footprint of the building or any change in type of use or occupancy.

**Animal Hospital.** A self-enclosed building wherein animals including domestic household pets and farm animals are given medical or surgical treatment and use as a boarding place for such animals limited to short time boarding incidental to hospital use. Such hospitals include only those under direction of a licensed veterinarian registered in the State of Michigan. Such animal hospitals shall be constructed in such a manner that noise and odor are not discernible beyond the property upon which it is located.

**Animal Shelter.** A building supported by a governmental unit or agency or by a nonprofit corporation where domestic pets or other animals are kept because of requirements of public health officials, loss by owner, neglect, or violation of a public law or ordinance.

**Apartment.** A room or suite of rooms in a residential building or residential portion of a building which are arranged, designed, used, or intended for use as a complete, independent living facility which includes permanent provisions for living, sleeping, eating, cooking, and sanitation.

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

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

**Attached.** Connected to a main building in a substantial manner by walls and a roof.

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

**B**

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**Basement.** That portion of a building which is partly or wholly below grade but so located that the vertical distance from the average grade to the floor is greater than the vertical distance from the average grade to the ceiling. A basement is not considered as square footage for the dwelling.

**Bed and Breakfast or Tourist Home.** A residential structure occupied by the owner(s) or resident manager with sleeping rooms available for rent by guests on a short-term basis, of thirty (30) days or less, at which the owner(s) or resident manager(s) may provide meals to guests only.

**Berm.** A constructed mound of earth rising to an elevation above the adjacent ground level of the site where located which contributes to the visual screening of the area behind the berm.

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

- A. **Biofuel.** Any renewable fuel product, whether solid, liquid, or gas, that is derived from recently living organisms or their metabolic by-products and meets applicable quality standards including, but not limited to, ethanol and biodiesel. Biofuel does not include methane or any other fuel product from an anaerobic digester.
- B. **Ethanol.** A substance that meets the ASTM international standard in effect on the effective date of this Section as the D-4806 specification for denatured fuel-grade ethanol for blending with gasoline.
- C. **Farm.** The land, plants, animals, buildings, structures, including ponds used for agriculture or aquicultural activities, machinery, equipment, and other appurtenances used in the commercial production of farm products.
- D. **Proof Gallon.** That term as defined in 27 CFR 19.907. A gallon of liquid at sixty (60°) degrees Fahrenheit which contains fifty (50%) percent by volume of ethyl alcohol having a specific gravity of 0.7939 at sixty (60°) degrees Fahrenheit referred to water at sixty (60°) degrees Fahrenheit as unity, or the alcoholic equivalent thereof.

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

**Buffer.** Open space, landscaped areas, fences, walls, berms, or any combination thereof to physically separate or screen one use or property from another so as to visually shield or block noise, lights, or other nuisances. A greenbelt is considered a buffer.

**Buildable Area.** See [Building Envelope](#).

**Building.** Any structure having a roof and walls and built for, or capable of, the shelter or enclosure of persons, animals, chattels, or property of any kind.

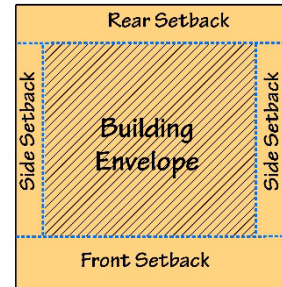
**Building, Main.** See [Main Building](#).

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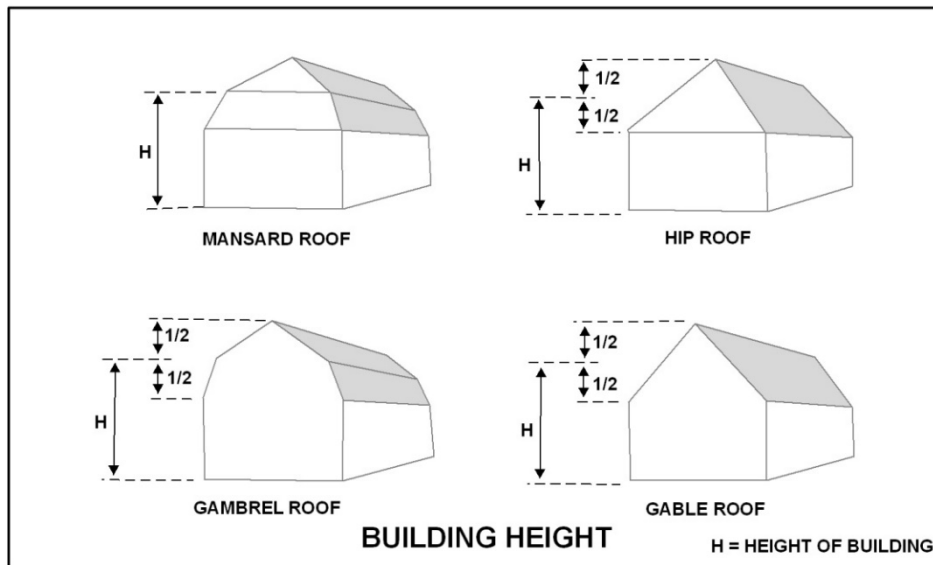
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**Building Envelope.** The area formed by the front, side, and rear building restriction or setback lines of a lot within which the main buildings must be located (the total lot area minus the setback area). Also called Buildable Area.



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



### C

**Cabin.** Any building which is built, maintained, and used for sleeping quarters for seasonal or temporary recreational quarters, such as a hunting cabin, which may not maintain necessities of a “Dwelling” such as electricity, indoor plumbing, and the like.

**Cabin Court.** Two (2) or more cabins used for seasonal occupancy as dwellings or sleeping quarters for transients or tourists for a fee.

**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. Also called an RV Park.

**Child Care Facility.** A facility for the care of children (persons under eighteen (18) years of age), as licensed and regulated by the State under the [Child Care Organizations Act, 1973 PA 116](#), as amended, being MCL §§ 722.111 - 722.128, and the associated rules promulgated by the [State Department of Health and](#)

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**Human Services.** Such organizations shall be further defined as follows.

- A. **Family Child Care Home.** A state-licensed, owner-occupied private residence in which one (1) but not more than six (6) 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, excepting children related to an adult member of the family by blood, marriage or adoption. It includes a home that gives care to an unrelated child for more than four (4) weeks in a calendar year.
- B. **Group Child Care Home.** A state-licensed, owner-occupied private residence in which seven (7) but not more than twelve (12) children are received for care and supervision for periods less than twenty-four (24) hours a day unattended by a parent or legal guardian, excepting children related to an adult member of the family by blood, marriage or adoption. It includes a home that gives care to an unrelated child for more than four (4) weeks in a calendar year.
- C. **Child Care Center.** A state-licensed facility, other than a private residence, receiving one (1) or more children for care and supervision for periods less than twenty-four (24) hours, and where the parents or guardians are not immediately available to the child. Child care center or day care center includes a facility that provides care for not less than two (2) consecutive weeks, regardless of the number of hours of care per day. The facility is generally described as a child care center, day care center, day nursery, nursery school, parent cooperative preschool, play group, before- or after-school program, or drop-in center.
- D. **Child Caring Institution.** A child care facility that is organized for the purpose of receiving minor children for care, maintenance, and supervision, usually on a 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 **Religious Institution.**

**Clinic, Animal.** See **Veterinary Clinic.**

**Clinic, Human.** A building or group of buildings where human patients are admitted for examination and treatment by a professional licensed to practice within the State of Michigan (such as a physician, dentist, or the like) except that such human patients are not lodged therein overnight.

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**Club or Lodge.** An organization of persons for special purposes or for the promulgation of agriculture, sports, arts, science, literature, politics, or the like, but not for profit, and open only to members and not the general public.

**Commission.** Hawes Township Planning Commission.

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

**Condominium Definitions:**

- A. **Condominium, Site.** A condominium development containing residential, commercial, office, industrial, or other structures or improvements for uses permitted in the zoning district in which located, in which each co-owner owns exclusive rights to a volume of space within which a structure or structures may be constructed, herein defined as a condominium unit, as described in the master deed.
- B. **Condominium Act.** 1978 PA 59, as amended.
- C. **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.
- D. **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.
- E. **Condominium Unit.** The portion of a condominium project designed and intended for separate ownership and use, as described in the master deed.
- F. **General Common Elements.** The common elements other than the limited common elements.
- G. **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.
- H. **Master Deed.** The condominium document recording the condominium project to which are attached as exhibits and incorporated by reference the bylaws for the project and the condominium subdivision plan for the project, and all other information required by Section 8 of the **Condominium Act**.

**Convalescent or Nursing Home.** A structure licensed under the applicable Michigan law, with sleeping rooms where lodging, meals, nursing, and limited medical care are provided for persons who are dependent upon others to provide services. Such an establishment shall not contain equipment for or provide care in maternity cases, drug addiction, alcoholism, mental disease, or for surgical or medical cases commonly treated in hospitals.

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**Convenience Store.** A one-story, 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 stores are designed to attract a large volume of stop-and-go traffic.

**Cottage Industry.** See [Home Occupation: Cottage Industry](#).

### D

**Deck.** An outdoor horizontal structure of a single elevation or varying elevations, commonly used as a floor attached or adjacent to the main building. A deck may be open or partially or completely covered by a roof and wall structure.

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

**Drive-Through Establishment.** Any establishment which offers goods and services to customers in motor vehicles.

**Driveway.** A means of access for vehicles from a road across a lot or parcel to a parking or loading area, garage, dwelling, or other structure or area on the same lot.

**Dwelling, Manufactured.** A building or portion of a building manufactured in one (1) or more sections, designed for long-term residential use, and characterized by all of the following:

- A. The structure is produced in a factory in accordance with the [National Manufactured Housing Construction and Safety Standards Act](#), as amended; and
- B. The structure is designed to be transported to the site in nearly complete form, where it is placed on a foundation and connected to utilities; and
- C. The structure is designed to be used as either an independent dwelling or as a module to be combined with other elements to form a complete dwelling on the site; and
- D. The structure meets the minimum floor area requirements of this Zoning Ordinance and conforms to all requirements of this Zoning Ordinance specified for dwellings; and
- E. The structure is not motorized or self-propelled.

**Dwelling, Multiple-Family.** A residential building designed for and occupied by three (3) or more families (each of which is independent of one another) with the number of families in residence not exceeding the number of dwelling units provided.

**Dwelling, Single-Family.** Any building, or part thereof, under one (1) continuous roof occupied as the home, residence, or sleeping place of one (1) family either permanently or temporarily, but not including motels, garage homes, basement homes, tents, or similar unconventional structures.

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- A. **Dwelling, Single-Family Attached.** A dwelling designed for occupancy by one (1) family in a row of at least (3) three 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 or more vertical common fire-resistant walls (also known as a townhouse or rowhouse).
- B. **Dwelling, Single-Family Detached.** A building designed exclusively for and occupied exclusively by one (1) family that is separate and distinct from any other dwelling. A single-family dwelling that does not share a party wall with any other dwelling is a detached single-family dwelling.

**Dwelling, Two-Family.** A separate detached residential building designated exclusively for and occupied by not more than two (2) families each of which is independent of one another.

**Dwelling Unit.** A building or portion of a building, either site-built or pre-manufactured, which has sleeping, living, cooking, and sanitary facilities and can accommodate one (1) family, either permanently or transiently. In the case of buildings which 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 travel trailer, recreational vehicle, truck, bus, motor home, tent, or other such portable structures be considered a dwelling unit.

### E

**Erected.** Includes built, constructed, reconstructed, moved upon, or any physical operation on the premises intended or required for a building or structure. Excavation fill, drainage, land clearing, and general property improvement shall not be considered part of the term “erected”.

**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, 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 services by such public utilities or municipal departments or commissions or for the public health or general welfare, but not including buildings as are primarily enclosures or shelters of the above essential service equipment. Wireless facilities, antenna, alternative tower structures, solar energy facilities, and wind turbines are not included within this definition.

### F

**Family.** One (1) or more persons related by blood, marriage, or legal adoption (and their domestic employees) occupying a dwelling unit and living as a single housekeeping unit; or a collective number of individuals living together in a dwelling unit whose relationship is of a permanent and distinct domestic character living and cooking as a single housekeeping unit. This definition shall not include a society, club, fraternity, sorority, association, lodge, combine, federation, group, coterie, or organization, which is not a recognized religious order, nor include a group of individuals whose association is temporary in character or nature.

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**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.** Land used for agricultural purposes on properties other than Commercial Farms. Domestic farming includes raising crops, keeping farm animals as pets, and raising animals for educational experience. Dogs, cats, and other household pets are not regulated as a Domestic Farm.

**Farm Building.** Any buildings or structures other than dwelling and garage used or built on a farm.

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

**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 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 [Agricultural Tourism](#).

**Fence.** Any permanent or temporary means, partition, structure, or gate erected as a dividing structure or barrier and not part of a structure.

**Floor Area.** The square footage of floor space measured from exterior to exterior wall for all floors but not including enclosed and unenclosed porches, breezeways, garages, attics, basements, and cellar areas.

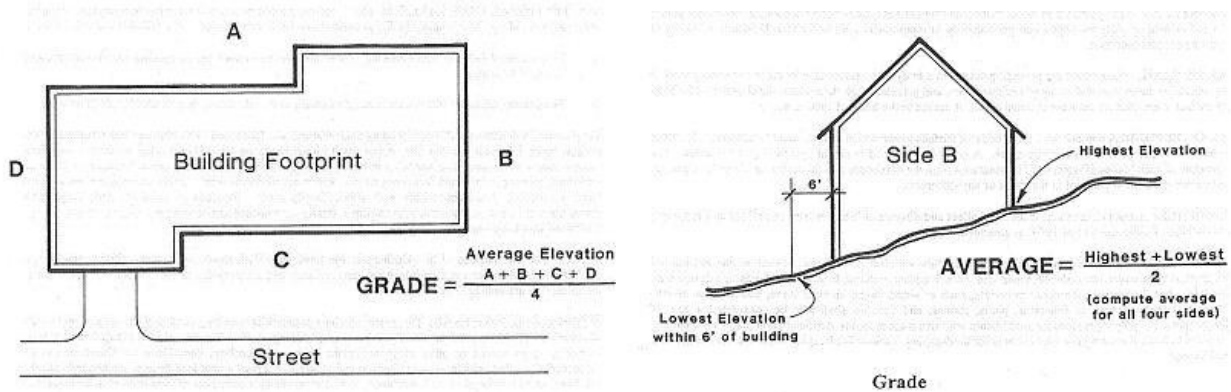
**Floor Area, Usable (UFA).** The measurement of usable floor area shall be that portion of floor area (measured from the interior face of the exterior walls) used for or intended to be used for services to the public as customers, patrons, clients, or patients including areas occupied by fixtures or equipment used for display or sale of goods or merchandise, but not including areas used or intended to be used principally for storage of merchandise, utility or mechanical equipment rooms, or sanitary facilities.

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### G

**Grade, Natural.** The elevation of the ground surface in its natural state, before human alterations. Where a building is located on sloping terrain, the height may be measured from the average ground level of the natural grade at the building wall.



**Greenbelt.** A buffer area consisting of an open space, except as specifically required in certain sections of this Ordinance, which shall be either level or a berm and landscaped with trees, shrubs, vines, and ground covers. When a screen buffer is required, it shall consist of a dense evergreen planting or a solid fence or wall.

**Guest House.** See *Accessory Dwelling Unit*.

### H

**Hazardous Substances.** Hazardous substances and polluting materials shall mean hazardous chemicals as defined by the [Michigan Department of Health and Human Services](#); flammable and combustible liquids as defined by the [Michigan State Police Fire Marshall Division](#); critical materials, polluting materials, and hazardous waste as defined by the [Michigan Department of Environment, Great Lakes and Energy](#); hazardous substances as defined by the [U.S. Environmental Protection Agency](#); or hazardous materials as defined by the [U.S. Department of Transportation](#).

**Highway.** Any public thoroughfare, including roads and streets, but not alleys.

**Home Occupation.** An occupation, profession, activity, or use that is clearly a customary, incidental, and 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. A Home Occupation may involve visits by one (1) client or customer at a time.

**Home Occupation: 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 (more than one (1) at a time).
- 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 one (1) or more individuals who reside off-premises.
- E. Has the potential to rapidly increase in size and intensity.

**Homeless Shelter.** See [Residential Human Care Facility](#).

**Hospital.** An institution providing health services, primarily for inpatients and medical or surgical care of the sick or injured, including, as an integral part of the institution, such related facilities as 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 more than five (5) sleeping rooms are accessed from the interior of the building and are used primarily for transient occupancy for no more than thirty (30) days, and in which one (1) or more of the following services may be offered: maid service, furnishing of linen, telephone, secretarial, or desk service, and bellboy service. A hotel may include a restaurant or cocktail lounge, public banquet halls, ballrooms, or meeting rooms. Boarding/rooming houses, tourist homes, short term rentals, bed and breakfast establishments, and multiple-family dwellings are excluded from this definition.

**I**

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**Impervious Surface.** Any surface or structure incapable or highly resistant to penetration by water including, but not limited to, roofs of any type, concrete, asphalt or bituminous paving, compacted gravel, flagstone or brick patios, and driveways.

**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.

**Industry.** A use engaged in manufacturing, fabricating, and/or assembly activities.

**Ingress.** Access or entry.

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

**J**

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**Junk.** Any discarded personal or scrapped property, including any property which may or may not be salvaged for reuse, resale, reduction, or similar disposition, or which is possessed or assorted for such reasons. Without limiting the definition of junk, the term shall include used or salvaged metals and their compounds or combinations, used or salvaged rope, bags, paper, glass, rubber, and similar articles, and any machinery or motor vehicle which is parked, deposited, employed, or possessed for the purpose of dismantling or salvaging of parts thereof.

**Junkyard.** The storage or keeping of abandoned junk, including scrap metals or other scrap materials or

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items commonly known as junk, or the dismantling, demolition, or abandonment of automobiles or other vehicles or machinery or parts thereof. The keeping of more than one (1) dismantled or non-operable motor vehicle shall be deemed the maintenance of a junkyard, except this definition shall not apply to retail merchants who repossess their own merchandise sold on a title-retaining contract or chattel mortgage basis.

### K

**Kenel.** The keeping of four (4) or more dogs or four (4) or more cats at least three (3) months old by one (1) family in a residential dwelling or commercial establishment.

### L

**Landscaping.** Any combination of existing or planted trees, shrubs, vines, ground covers, flowers, lawns, fences, fountains, pools, artworks, screens, walls, berms, benches, walks, paths, steps, terraces, and garden structures and any surface and subsurface structures, grading, or excavation included on a site plan.

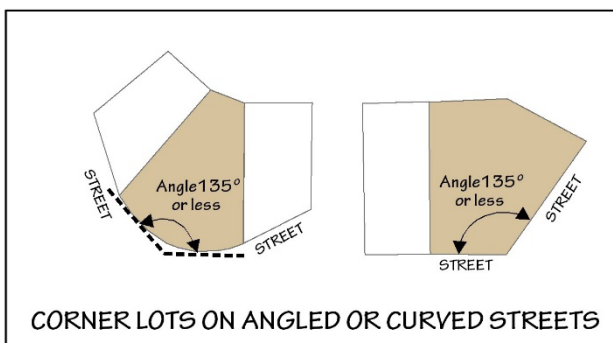
**Livestock.** Those domesticated animals that are primarily utilized for the production of food or are in the large animal category. These would include, but are not limited to, those animals that are presently listed under the generally recognized classification of animal units associated with waste handling practices for livestock operations by the State of Michigan. This includes, but is not limited to, cattle, swine, horses, sheep, goats, turkeys, chickens, and ducks.

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

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

**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, Interior.** A lot other than a corner lot with only one (1) lot line fronting on a street.



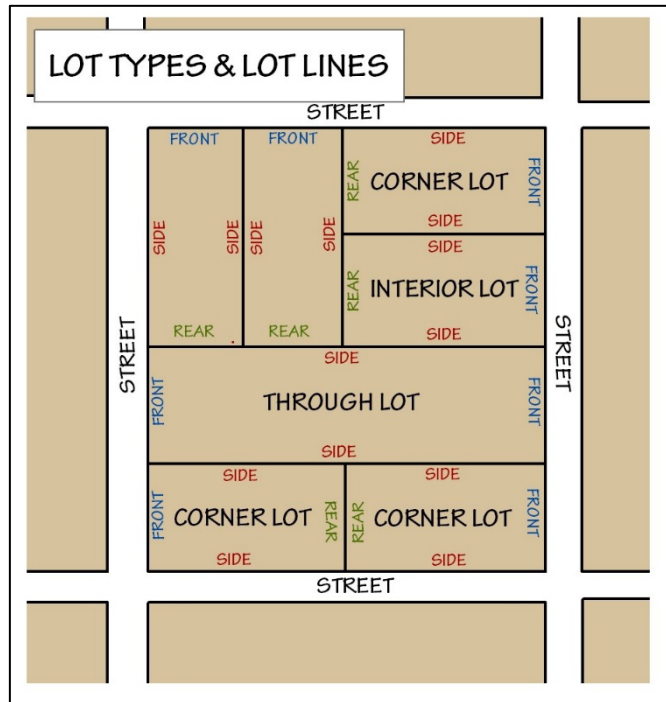
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**Lot, Through.** A lot other than a corner lot having frontage on two (2) more or less parallel streets. If there are existing structures in the same block fronting on one (1) or both of the streets, the required front yard setback shall be observed on those streets where such structures presently front.

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

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

**Lot Line, Front.** The line separating the lot from the street or highway right-of-way line. In the case of a waterfront lot, the front lot line shall be the ordinary high water mark of the lake, river, or stream. In the case of a corner lot, the front lot line shall be that line separating said lot from the road on which an address has been assigned.



**Lot Line, Rear.** That lot line opposite the front lot line. In the case of a lot pointed at the rear, the rear lot line shall be an imaginary line parallel to the front lot line not less than ten (10') feet long farthest from the front lot line and wholly within the lot.

**Lot Line, Side.** Any property line bounding a lot that is not a front lot line or a rear lot line.

**Lot of Record.** A lot whose dimensions are shown on a plat recorded in the County Register of Deeds or lot described by metes and bounds descriptions in a recorded deed or other recorded instrument transferring a legal or equitable interest in the title.

**Lot Width.** The horizontal distance, which is not necessarily parallel to the road right-of-way, between the side lot lines measured at the front setback line for lots with parallel side lot lines (Figure A). In the case of irregularly shaped lots, the width shall be measured on a line drawn perpendicular to a line that bisects the front and rear lot lines at a point midway along the front and rear lot lines (Figure B). In the case of a lot which has more than four (4) sides, the lot width shall be the minimum diameter of the largest circle that fits wholly within the lot (Figure C).



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Figure A

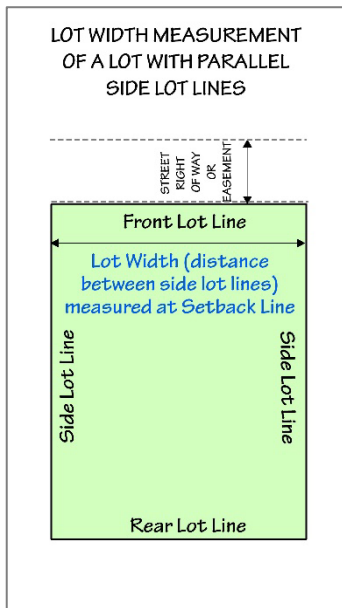


Figure B

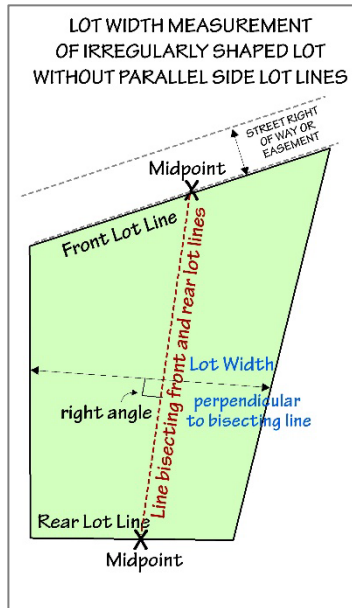
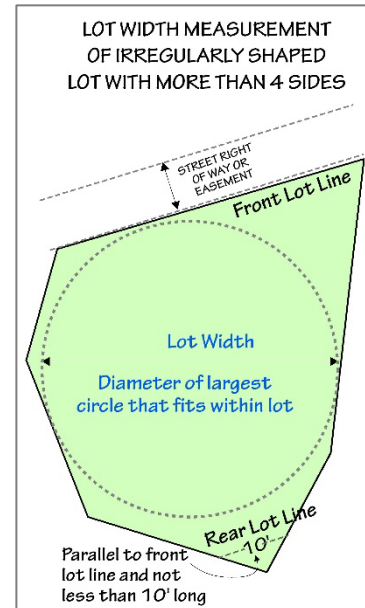


Figure C



**M**

**Main Building.** A building in which is conducted the main use of the premises on which it is situated.

**Main Use.** The main use to which the premises are devoted and the primary purpose for which the premises exists.

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

**Master Plan.** The basic plan approved by the Planning Commission under the [Michigan Planning Enabling Act, 2008 PA 33](#), as amended.

**Manufactured Housing Community.** A parcel of not less than fifteen (15) acres designed and intended as a permanent residential community consisting of manufactured homes designed, sited, constructed, operated, and maintained in accord with the requirements of this Zoning Ordinance, the [Mobile Home Commission Act, 1987 PA 96](#), as amended, and the rules and regulations of the [Michigan Manufactured Housing Commission](#).

**Manufactured Housing Community Homesite.** The designated parcel of land within a manufactured housing community upon which one (1) single-family manufactured home and accessory buildings, if any, are placed.

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

A. **Enclosed, Locked Facility.** That term as defined in Section 3 of Initiated Law 1 of 2008, as amended

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(Michigan Medical Marihuana Act, being MCL 333.26423).

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

**Michigan Department of Environment, Great Lakes and Energy**. The State of Michigan department responsible for administering laws and policies relating to environmental, Great Lakes, and energy issues. This definition also includes any subsequently-named State departments responsible for these issues (such as the "Department of Environmental Quality").

**Motel**. A building or part of a building in which the dwelling units or rooming units are accessed from the exterior of the building and are used primarily for transient occupancy for no more than thirty (30) days and in which one (1) or more of the following services are offered: maid service, furnishing of linen, telephone, secretarial or desk service, and bellboy service. A motel may include a restaurant or cocktail lounge and public banquet halls or meeting rooms. The term "motel" shall include tourist cabins, motor courts, automobile courts, auto cabins, motor lodges, and similar facilities within this definition, but it shall not include tourist homes, bed and breakfast facilities, rooming houses, boarding houses, multiple dwellings, short term rentals, or hotels.

### **N**

**Nonconforming Lot of Record**. A lot which lawfully existing at the effective date of this Ordinance and which fails to meet the minimum dimensions or area requirements of the zoning district in which it is located.

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

**Nonconforming Structure**. A building or structure, existing at the effective date of this Ordinance, which does not conform to the provisions of this Ordinance.

**Nonconforming Use**. The use of land or a structure, existing at the effective date of this Ordinance, for

<b>1</b> Purpose & Authority	<b>2</b> Definitions	<b>3</b> General Provisions	<b>4</b> District Regulations	<b>5</b> Site Plans & Plot Plans
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a purpose which conflicts with the use provisions of the district in which it is located.

**Non-Participating Lot(s).** 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 communications facility associated with the applicant project. *Amended 6/13/23; Effective 6/28/23*

**Nuisance.** An offensive, annoying, unpleasant, or obnoxious thing or practice, a cause or source of annoyance, especially a continuing or repeating invasion of any physical characteristics of activity or use across a property line which can be perceived by or affects a human being of reasonable sensibility, or the generation of an excessive or concentrated movement of people or things, such as noise; dust; heat; electronic radiation; objectionable effluent; noise or congregation of people, particularly at night.

**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 ingress 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.

**Open Space.** Land upon which no structures, parking, rights-of-way, easements, sewage disposal systems (including backup areas for sewage disposal), or other improvements have or will be made that commit land for future use other than outdoor recreational use.

**Ordinary High Water Mark.** The ordinary high water mark is defined as in [1994 PA 451 \(Inland Lakes and Streams\)](#), 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.

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

**Outdoor Storage.** A land area occupied and used for open storage of products, building materials, sand, gravel, stone, lumber, equipment, and other supplies.

### P

**Parcel.** See [Lot](#).

**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.

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**Participating Lot(s).** One (1) or more lots under a signed lease or easement for development of a solar energy facility, wind energy facility, or wireless communications facility associated with the applicant project. *Amended 6/13/23; Effective 6/28/23*

**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.

**Permitted Use.** A use by right which is specifically authorized in a particular zoning district.

**Pets, Domestic.** (Also known as household pets) Only such animals as may commonly be housed within domestic living quarters and are not considered **Exotic Pets.**

**Pets, Exotic.** Breeds of animals that are uncommonly found as either pets or livestock. These breeds are often not indigenous, are undomesticated, unusual in appearance, venomous, and can be potentially dangerous if they escape. exotic animals could include, but are not limited to, nonhuman primates; venomous cold-blooded reptiles; poisonous/venomous animals; constrictor snakes three (3') feet or longer; wild or exotic cats including bobcats, cheetahs, lions, panthers, and tigers; non-domesticated carnivores like bears and wolves; sharks; ostriches or emu; venomous spiders and insects; elephants; camels; wild animals like skunks, raccoons, deer, and badgers; gamecocks and other fighting birds or fowl, and any animal that is predominately wolf or coyote.

**Planned Unit Development (PUD).** A type of 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.

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

**Practical Difficulty.** A situation whereby a property owner cannot establish a “minimum practical” legal use of a legal lot or parcel by meeting all of the dimensional standards of the zoning district within which the lot is located. Situations occurring due to the owner’s desire to establish a use greater than the “minimum practical” standard to enhance economic gain greater than associated with the minimum practical standard or created by an owner subsequent to the adoption of the Ordinance is not a Practical Difficulty. The Zoning Board of Appeals is responsible for determining “Practical Difficulty”.

**Public Utility.** Any person, firm, corporation, municipal department, or board duly authorized under state or municipal regulations to furnish transportation, water, gas, electricity, steam, communication, sewage disposal, or other services to the public.

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### 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. A recreational vehicle may be a motorized, self-propelled vehicle or a unit designed to be attached to a vehicle and used for such purposes, including self-propelled motor homes, truck-mounted campers, fifth-wheel trailers, travel trailers, and pop-up or folding campers. This term does not include manufactured or mobile homes.

**Religious Institution.** A building wherein persons assemble regularly for religious worship, maintained and operated by an organized religious body. Accessory uses, buildings, and structures customarily associated with the church are classified as part of the main use as a religious institution.

**Repowering.** Reconfiguring, renovating, or replacing a solar energy facility or wind energy facility to maintain or increase the power rating of the facility within the existing project footprint. *Amended 6/13/23; Effective 6/28/23*

**Residential Human Care Shelter.** A facility (not within a private residence) providing.

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

**Resort.** A lodging facility that serves as a destination point for visitors and may contain cabins and/or rooms with or without kitchen facilities. A resort may provide indoor and outdoor recreational activities, commercial facilities such as sporting goods and/or a restaurant, may be self-contained, and may provide personal services customarily furnished at hotels. Ancillary commercial facilities and services may be utilized by guests and the public.

**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.

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

**Roadside Stand.** An accessory and temporary farm structure operated for the purpose of selling agricultural products grown or produced on-premises or on other properties under the same ownership or management.

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**Rooming House.** An owner-occupied single-family dwelling used or designed in such a manner that certain rooms in excess of those used by the family are rented to the public for greater than thirty (30) days at a time and meals may be served for compensation.

### 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 and 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.

**Sawmills.** Sawmills are defined to include but are not limited to circular saws, portable saws, wood chippers, or other kinds of cutting devices intended for untreated wood forest products. The sawmill shall include the machinery, buildings, and customary accessory structures. Exceptions to this requirement will be for harvesting trees grown on the owner’s lot or premises.

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

**Setback.** The minimum required horizontal distance from the applicable right-of-way line, easement, or property line of a lot within which no buildings or structures may be placed. All setbacks shall be measured perpendicularly from the lot line to the nearest point of the eave or overhang (dripline) of the applicable building or structure or to a raised structure (i.e. deck or porch). It is the responsibility of the property owner to determine the correct location of all property lines. In the case of a waterfront lot, the front setback shall be measured from the Ordinary High Water Mark.

**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, or 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 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:

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

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

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

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

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

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

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

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- F. **Adult Theater.** A theater, concert hall, auditorium, or similar commercial establishment that regularly features a person or persons who appear in a state of nudity or live performances that are characterized by exposure of Specified Anatomical Areas or by Specified Sexual Activities.
- G. **Escort Agency.** Any business, agency, or person who, for a fee, commission, hire, reward, or profit, furnishes or offers to furnish names of persons, or who introduces, furnishes, or arranges for persons, who may accompany other persons to or about social affairs, entertainments, or places of amusement, or who may consort with others about any place of public resort or within any private quarters.
- H. **Human.** Besides the customary meaning, the term “human” shall also include non-living anthropomorphic (having human characteristics) devices, both physical and digital.
- I. **Nude Model Studio.** Any place where a person who displays Specified Anatomical Areas is provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any form of consideration, but does not include an educational institution funded, chartered, or recognized by the State of Michigan.
- J. **Nudity or a State Of Nudity.** Knowingly or intentionally displaying in a public place, or for payment or promise of payment by any person including, but not limited to payment of an admission fee, any individual's genitals or anus with less than a fully opaque covering, or a female individual's breast with less than a fully opaque covering of the nipple and areola. Public nudity does not include a woman's breastfeeding of a baby whether or not the nipple or areola is exposed during or incidental to the feeding.
- K. **Specified Anatomical Areas.** Means and includes any of the following:
1. Less than completely and opaquely covered.
    - a. Human genitals.
    - b. Pubic region.
    - c. Buttocks.
    - d. Female breast below a point immediately above the top of the areola.
  2. Human male genitals in a discernible turgid state even if completely or opaquely covered.
- L. **Specified Sexual Activities.** Means and includes any of the following:
1. Human genitals in a state of sexual arousal;
  2. Acts of or simulated acts of human masturbation, sexual intercourse, sodomy, bestiality, fellatio or cunnilingus; or
  3. Fondling or other erotic touching of human genitals, pubic region, buttocks or female breast.



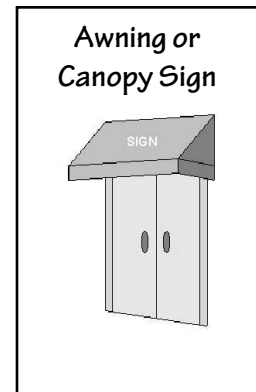
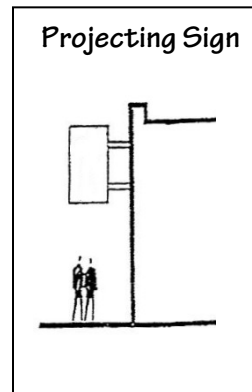
## Hawes Township Zoning Ordinance

4. Excretory functions as part of or in connection with any of the activities set forth in 1-3 above.

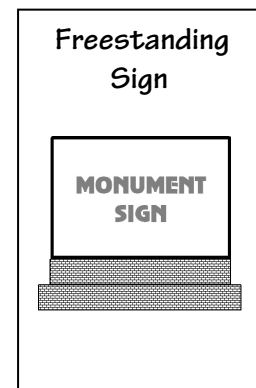
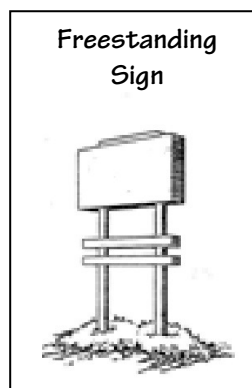
**Short Term Rental.** A single-family dwelling the whole of which is offered as a residential rental facility for a period of thirty (30) days or less. The owner does not reside on-site.

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

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

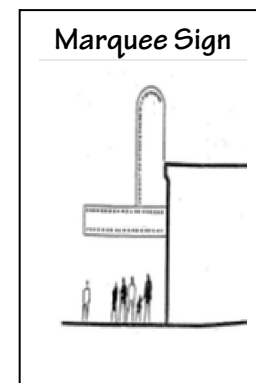
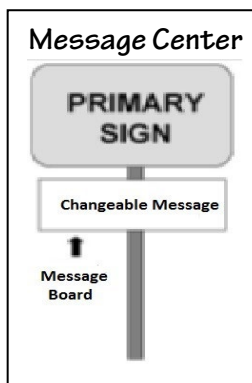


- B. **Freestanding Sign.** A sign which is attached to or part of a completely self-supporting structure. The supporting structure shall be placed in or below the ground surface and not attached to any building or any other structure whether portable or stationary. Freestanding signs include monument-style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



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

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



- E. **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.

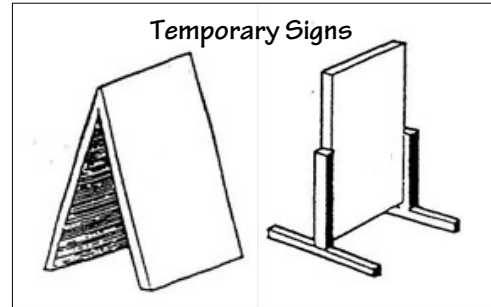
- F. **Off-Premise Sign.** A sign which contains a message unrelated to a business or profession conducted or to a commodity, service, or activity sold or offered other than upon the premises where such sign is located.

- G. **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.

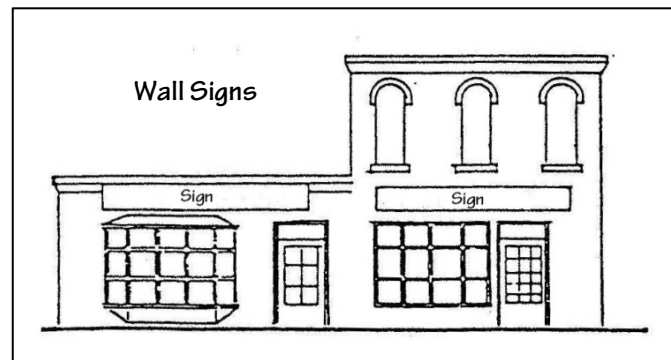
- H. **Roof Sign.** Any sign wholly erected to, constructed/or maintained on the roof structure of any building.

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



J. **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.**

- A. The sign face area shall be computed by including the entire area within a single, continuous perimeter enclosing the extreme limits of the writing, representation, emblem, or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed, but not including any supporting framework, bracing, or base that is clearly incidental to the display itself.
- B. If the sign consists of more than one (1) section or module, all of the area, including that between sections or modules, shall be included in the computation of the sign face area.
- C. With respect to two-sided, multi-sided, or three-dimensional signs, the sign face area shall be computed by including the total of all sides designed to attract attention or communicate information that can be seen at any one time by a person from one vantage point, without otherwise limiting the generality of the foregoing.
- D. The sign face of a double-faced, back-to-back sign shall be calculated by using the area of only one (1) side of such sign, so long as the distance between the backs of such signs does not exceed three (3') feet.
- E. The sign face area of a double-faced sign constructed in the form of a "V" shall be calculated by using the area of only one side of such sign (the larger side if there is a size difference) so long as the interior angle of the "v" does not exceed thirty (30°) degrees and at no point does the distance between the backs of such sides exceed five (5') feet.

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**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.

**Solar Energy Definitions:** Amended 6/13/23; Effective 6/28/23

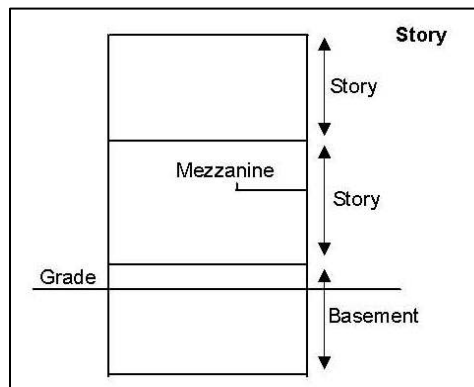
- A. **Solar Energy Facility (Utility Scale/Commercial).** A facility designed to capture and utilize the energy of the sun to generate electrical power to meet utility-scale or commercial needs for use primarily off-site. A solar energy collection facility consists of an array of solar collection devices 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 for use primarily on-site. 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. **Building-Mounted Accessory Solar Energy Panels.** A solar energy panels mounted on racking that is attached to or ballasted on the roof of a building or structure or attached the building wall.
  - 2. **Building-Integrated Accessory Solar Energy Panels.** Accessory solar energy panels that are an integral part of a primary or accessory building or structure (rather than a separate mechanical device), replacing or substituting for an architectural or structural component of the building or structure. Building-integrated systems include, but are not limited to, photovoltaic or hot water solar energy systems that are contained within roofing materials, windows, skylights, and awnings.
  - 3. **Ground-Mounted Accessory Solar Energy Panels.** Accessory solar energy panels mounted on support posts, like a rack or pole that are attached to or rest on the ground.
- C. **Groundcover.**
  - 1. **Pollinator Habitat.** Solar sites designed to meet a score of seventy-six (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).

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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.

**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.

**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 is no floor above it, then the space between the floor and the ceiling next above it. A "mezzanine" floor shall be deemed a full story only when it covers more than fifty (50%) percent of the area of the story underneath said mezzanine, or if the vertical distance from the floor next below it to the next above it is twenty-four (24') feet or more. A basement shall be considered a full story only if fifty (50%) percent or more of the vertical distance between the basement floor and the basement ceiling is above the ground level from which the height of the building is measured.



**Story, One-Half.** An uppermost story lying under a sloping roof, the usable floor area of which, at a height of four (4') feet or more above the floor does not exceed two-thirds (2/3) of the floor area in the story directly below.

**Structure.** Anything constructed, erected, or moved on a lot, the use of which requires more or less permanent location on the grounds or attached to something having more or less permanent location on the ground.

**T**

**Telecommunication Towers and Facilities or Tower.** See [Wireless Communications](#).

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

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

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

**Temporary Building.** Any building not permanently affixed to the land.

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

### U

**Use.** The purpose for which land or premises, or a building thereon, is designed, arranged, or intended, or for which it is occupied, or maintained, let, or leased, according to this Ordinance.

### 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 on which the variance is sought.

**Variance, Dimensional.** A variance granted to provide relief from a specific standard in this Zoning Ordinance which usually relates to an area, dimension, or construction requirement/limitation. It is the most common type of variance and, unlike use variances, does not affect what land use may be established on a parcel. Rather it is granted only to allow permitted land uses to be developed in the face of some "practical difficulty."

**Veterinary Clinic.** A building or group of buildings and/or structures where domestic animals are admitted for examination, treatment, and care by a licensed veterinarian or related paraprofessionals and technicians and where such animals may be provided with overnight housing.

### W

**Wind Energy Definitions:** Amended 6/13/23; Effective 6/28/23

- A. **Ambient.** The sound pressure level exceeded ninety (90%) percent of the time.
- B. **Anemometer Tower.** A device used to measure wind speed.
- C. **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.
- D. **Decibel.** The unit of measure used to express the magnitude of sound pressure and sound intensity.
- E. **Horizontal Axis Wind Turbine.** A wind turbine in which the rotor(s) rotate around a horizontal shaft.

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- F. **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.
- G. **Vertical Axis Wind Turbine:** A wind turbine in which the rotor rotates around a vertical shaft.
- H. **Wind Energy System, Utility Scale/Commercial.** A wind turbine designed and used primarily to generate electricity by or for sale to utility companies.
- I. **Wind Energy System, On-Site.** A wind turbine generator designed and used primarily to generate electricity or produce mechanical energy for use on the property where located.
- J. **Wind Turbine.** 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.
- K. **Wind Turbine Tower Height.** The distance between the ground and the highest point of the wind turbine, plus the length by which the rotor blades, in the full upright position, exceeds the height of the wind turbine.

**Wireless Communications.** Wireless communications shall mean 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.

- 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.** Any exterior transmitting or receiving device mounted on a tower, building, or structure and used in communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio signals, or other communication signals.
- C. **Co-Location.** The location of two (2) or more antennae on a common structure, tower, or building, with the objective of reducing the overall number of structures required to support wireless communication antennas within the community.

**Hawes Township Zoning Ordinance**

- D. **Height**. The distance measured from ground level to the highest point on the Wireless Communication Facility, including the Antenna Array.
- E. **Setback**. The required distance from the property line of the parcel on which the Wireless Communication Facility is located to the base of the Support Structure or, in the case of Ground-Mounted Facilities, the equipment enclosure.
- F. **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 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.
- G. **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.
- H. **Wireless Communication Facility**. A Wireless Communication Facility is any facility for the transmission and/or reception of wireless communications services, usually consisting of an Antenna Array, connection cables, an Equipment Facility, and a Support Structure. A Wireless Communication Facility also includes an Antenna Array attached to an existing building or structure.
- I. **Wireless Communication Facility (Ground-Mounted) – also called “Earth Station or Ground Station”**. A wireless communication facility in which the antenna array is mounted to the ground or other surface and which does not use a Wireless Communications Support Structure (tower).
- J. **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, guyed towers, or other structures which appear to be something other than a mere support structure.

**Wood Burning Furnace, Outdoor Free-Standing**. Any device or structure that:

- A. Is designed, intended, or used to provide heat and/or hot water to any residence or other structure; and
- B. Operates by the burning of wood or other solid fuel; and
- C. Is not located within a residential structure.

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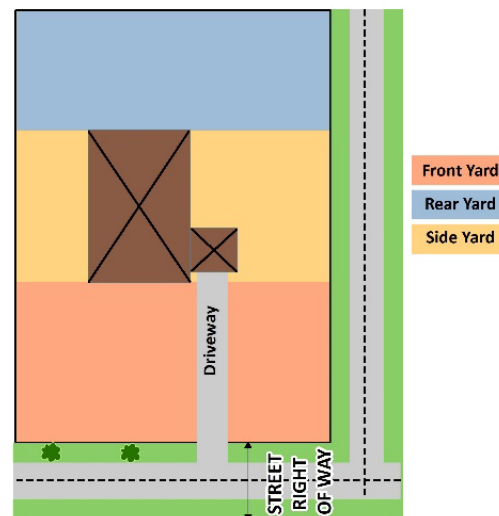
## Hawes Township Zoning Ordinance

Excluded from the definition of an outdoor free-standing wood-burning furnace is any device which is designated to heat only the structure in which it is located.

### Y

**Yard.** Any site, open to the sky and unoccupied or unobstructed on the same parcel with a building or structure. Yard measurements shall be the minimum horizontal distances.

- A. **Front Yard.** A yard extending to the full width of the lot between the front lot line and the nearest point of the main building, including the porch. In the case of a waterfront lot, the front yard shall be along the waterfront side.
- B. **Rear Yard.** A yard extending across the full width of the lot between the rear lot line and the nearest point of the main structure.
- C. **Side Yard.** A yard situated between the side line of the building and the adjacent side of the lot and extending from the rear line of the front yard to the front line of the rear yard, excluding steps and uncovered porches.



### Z

**Zoning Administrator.** The administrator of this Ordinance, appointed by the Township Board.

**Zoning Appeal.** An entreaty or demand for a hearing and/or review of facts and/or actions by the Zoning Board of Appeals.

**Zoning Board of Appeals.** As used in this Ordinance, the term "Board of Appeals" means the Zoning Board of Appeals.

**Zoning District.** A portion of Hawes 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.** A zoning permit is 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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3.02	Zoning Lot Occupancy	3-2	3.16	Nonconformities	3-9
3.03	Restoration of Unsafe Buildings/Barrier Free Modification	3-3	3.17	Fences	3-12
3.04	Water Supply & Sewage Disposal	3-3	3.18	Screening & Buffering	3-13
3.05	Grading, Drainage & Runoff	3-3	3.19	Lighting	3-14
3.06	Access	3-4	3.20	Parking & Loading	3-16
3.07	Road & Highway Intersections (Corner Clearance)	3-4	3.21	General Exceptions/Encroachments	3-20
3.08	Entranceway Structures	3-5	3.22	Livestock & Fish Ponds	3-21
3.09	Accessory Buildings	3-5	3.23	Performance Standards	3-22
3.10	Recreational Vehicles	3-6	3.24	Excavation or Holes	3-23
3.11	Damaged Structures	3-6	3.25	Hazardous or Nuclear Waste Dumping	3-24
3.12	Sub-Standard Dwellings / Temporary Dwellings	3-7	3.26	Private Roads & Driveways	3-24
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### Section 3.01 Scope of Ordinance

**A. Effect of Zoning.**

1. The provisions of Article 3 shall apply to all districts, except as noted herein.
2. Zoning affects every structure and use and extends vertically from the lot line up.
3. Except as provided herein specified, no building or structure shall hereafter be erected, altered, or maintained, and no new use of or change to shall be made or maintained to any buildings, structure or land, or part thereof, except in conformity with the provisions of this Ordinance. In the event that this requirement creates practical difficulty on a property owner, an application for a variance may be submitted to the Zoning Board of Appeals for further review.
4. No required yard, lot, parking area, or other required space existing at the time of passage of this Ordinance shall be subdivided or reduced in dimension or area below the minimum requirements set forth herein except where such reduction has been brought about by expansion or acquisition of public rights-of-way for streets, roads, or highways. If a required area is already less than the minimum required under this Ordinance, said area or dimension

## Hawes Township Zoning Ordinance

shall not be further divided or reduced. Yards or lots created after the effective date of this Ordinance shall meet at least the minimum requirements established by this Ordinance.

5. 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.

### B. Existing Use of Lands, Building, and Structures.

At the discretion of property owners, the lawful use of any land or premises and of any building or structure as existing and lawful at the time of enactment of this Ordinance may be continued, although such use may not be in conformity with the provisions thereof. Nonconformities are regulated by [Section 3.16](#).

### C. Buildings Under Construction.

If construction on a building is lawfully begun prior to adoption of this Ordinance, nothing in this Ordinance shall be deemed to require any change in the planned or designed use of any such building provided that actual construction is being diligently carried on.

### D. Area Limitations.

In conforming to land and yard requirements, no area shall be counted as accessory to more than one (1) building, excluding accessory buildings.

### E. Lots of Record.

Every building hereafter erected shall be located on a lot or parcel of land the description of the boundaries of which are on record at the office of the Alcona County Register of Deeds or satisfactory to the Zoning Administrator as adequate for determining the exact location of the premises.

### F. Moving of a Building.

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

## Section 3.02 Zoning Lot Occupancy

- A. No single-family detached residential structure shall be erected upon a lot with another single-family detached residential structure unless otherwise provided in this Ordinance.

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- B. When multiple lots are used together to meet the minimum requirements for width, area, setback, and other ordinance requirements, the lots together are considered one (1) zoning lot for zoning purposes.

**Section 3.03 Restoration of Unsafe Buildings/Barrier-Free Modification**

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

**Section 3.04 Water Supply & Sewage Disposal**

Every building or structure hereafter erected or moved upon any premises and used in whole or in part for human occupancy shall be provided with a safe and sanitary water supply and a septic tank sewage disposal. Each system erected and maintained in accordance with the standards of material and installation recommended by the **District Health Department #2**. Property owners are encouraged to contact **District Health Department #2** to determine compliance with standards.

**Section 3.05 Grading, Drainage & Runoff**

- A. No premises shall be so filled or graded as to discharge surface runoff on abutting premises in such manner as to cause inconvenience, damage, ponds, or standing accumulation of such runoff thereon. For the purpose of controlling runoff, height restrictions, and aesthetic consistency, it is recommended that lots or parcels retain the natural grade when in residential, agricultural residential, or commercial districts.
- B. The property owner or developer for uses other than single-family or two-family residential is required to retain on-site all stormwater drainage in excess of natural conditions. This provision may require stormwater retention ponds, where appropriate. An exception can be made for water leaving the site via an existing stormwater pipe or through other stormwater facilities which will be developed at the same time as the proposed new use. All stormwater facilities, including detention or retention ponds, shall be designed at minimum to handle a ten (10) year design storm.

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**Section 3.06 Access**

**A. Access Required.**

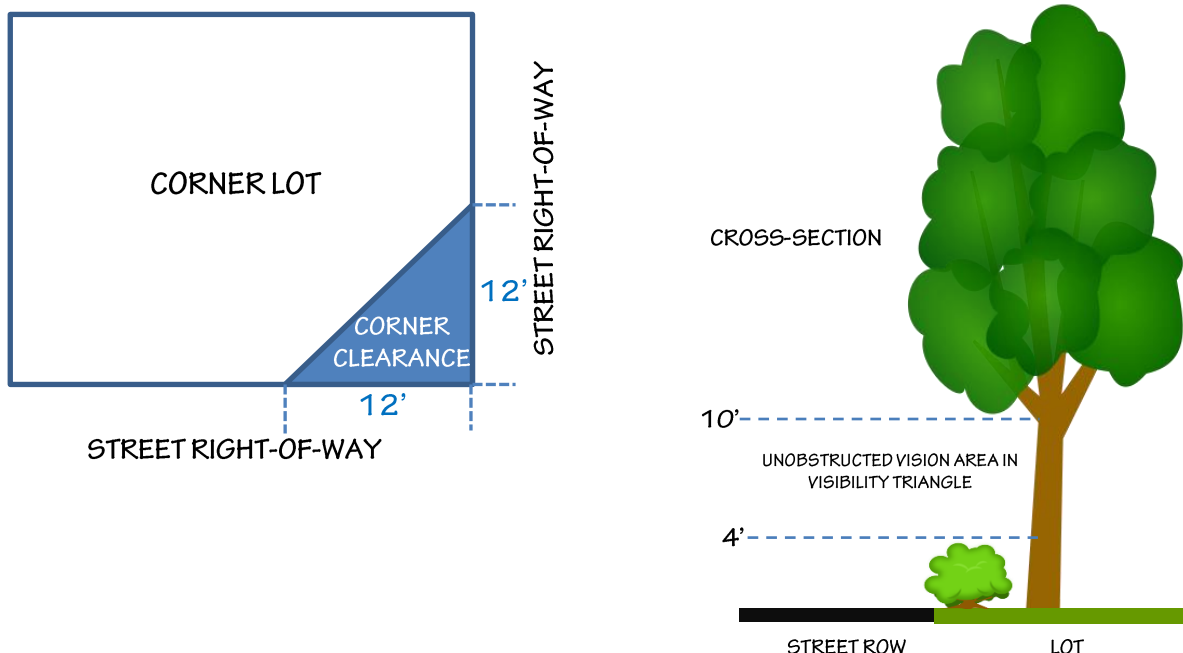
Every main building hereafter erected or moved after the effective date of this Ordinance shall be located on a lot adjacent to a public street, easement which provides access to a public street, or with access to an approved private road, and all structures shall be located on lots as to provide safe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

**B. Access through Yards.**

Access drives may be placed in any yard so as to provide access to any other yard. Further, grade level 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 area.

**Section 3.07 Road & Highway Intersections (Corner Clearance)**

No structure or vegetation between four (4') feet and ten (10') feet in height, except open fences through which there shall be clear vision, shall be erected, planted, or maintained within the triangular area formed by the intersecting street right-of-way lines and a straight line intersecting them at points which are on said right-of-way lines and twelve (12') feet distant from their point of intersection. Such heights of clear vision areas shall be measured from the elevation of the street centerlines at the point of intersection.



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**Section 3.08 Entranceway Structures**

In all districts, entrance-way structures including but not limited to walls, columns, and gates marking entrances to single-family subdivisions, multiple-family housing projects, commercial developments, industrial developments, mixed-use developments, or similar uses may be permitted and may be located in a setback, except as provided in [Section 3.07](#), provided that such entranceway structures shall be approved during site plan review.

**Section 3.09 Accessory Buildings**

**A. Attached Accessory Buildings.**

An accessory building which is attached to the main building shall be considered part of the main building.

**B. Detached Accessory Building on Lots with a Main Building.**

Accessory building shall meet the following regulations whether or not a zoning permit is required. Any accessory building over one hundred (100 ft<sup>2</sup>) square feet requires a zoning permit.

1. **Location.** In all districts, accessory buildings shall not be located in the front yard except for the following: An accessory building in the F-R (Forest-Recreational) District, A (Agricultural) District, or A-R (Agricultural Residential) District may be located in the front yard if the accessory building is not visible from the road (year-round).
2. **Setbacks.** All accessory buildings shall meet setbacks of the main building.
3. **Height.** An accessory building shall not exceed the allowable height of the main building.
4. **Accessory Building as a Dwelling.** No accessory buildings shall be used for human occupancy unless otherwise permitted in this Ordinance.
5. **Nontraditional Storage Facilities/Shipping Containers.**
  - a. 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 for no more than ninety (90) days.
  - b. **Shipping Containers.**
    - (1) In all districts except as stated in [subsection B.5.b.2](#) below, shipping containers shall be allowed to be used as accessory buildings for storage purposes only. Shipping

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containers shall not be utilized for any dwelling purposes. Shipping containers shall be either painted to blend in with the natural landscape or covered in a siding material that would typically be utilized for a main building. Shipping containers shall be placed on a foundation or gravel surface with adequate drainage.

- (2) Shipping containers shall not be allowed in the R-2 District and on all lots abutting Mount Maria Road from Hubbard Lake Road to Ann Street.

6. **Swimming Pools, Hot Tubs, and Spas.** The current Alcona County building code requirements for fencing and latching around swimming pools, hot tubs, and spas are incorporated into this Ordinance by reference.

### C. Accessory/Storage Buildings on Lots without a Main Building.

Accessory buildings, including storage buildings, may be erected or moved onto vacant lots or parcels of land in all districts. The Zoning Administrator shall review and issue a zoning permit for such accessory/storage buildings provided they meet the following criteria:

1. The accessory/storage building shall be located on the lot so that there exists a location on the lot where a future main building, which meets the minimum required floor area of the zoning district, may be constructed in full compliance with the dimensional regulations (setbacks) of the zoning district in which located.
2. In all districts, an accessory/storage building shall be located so that, when a main building is constructed, the existing accessory building is not located in the front yard. An accessory building in the F-R (Forest-Recreational) District, A (Agricultural) District, or A-R (Agricultural Residential) District may be located in the front yard (when the main building is constructed) if the accessory building is not visible from the road (year-round).

## Section 3.10 Recreational Vehicles

- A. A travel trailer or recreational vehicle is not to be considered a residential dwelling unit.
- B. Travel trailers or recreational vehicles shall not become permanent structures on a lot.
- C. Occupied travel trailers or recreational vehicles shall not occupy a vacant or developed lot in the R-1 District or the R-2 District for more than thirty (30) days per calendar year.

## Section 3.11 Damaged Structures

Any building intentionally or unintentionally damaged by fire, explosion, Acts of God, or the public enemy must be razed and all debris cleared from the property within ninety (90) days of occurrence. The Zoning Administrator may grant an extension of up to ninety (90) additional days if necessary due to extenuating circumstances which must be supported with documentation. If, after one hundred eighty (180) days, the property has not been cleared of all debris, the Zoning Administrator/Code

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Enforcer shall notify the Township Supervisor who shall hire the cleanup of the property with all costs to be applied to the property tax rolls for collection.

### Section 3.12 Sub-Standard Dwellings / Temporary Dwellings

#### A. Sub-Standard Dwellings.

For the express purpose of promoting the health, safety, and general welfare of the inhabitants of the Township, and the reducing of hazards to health, life, and property, no basement dwelling, cellar dwelling, tent, or other sub-standard structure shall hereafter be erected or moved upon any premises and used for dwelling purposes except pursuant to [subsection B](#) below.

#### B. Temporary Dwellings During Construction.

The following may be utilized for temporary dwelling purposes during the period in which a dwelling conforming to the provisions of this Ordinance is in the process of erection and completion: basement dwelling, cellar dwelling, garage-house, tent, manufactured home, travel trailer/recreational vehicle, or other sub-standard structure.

1. No more than one (1) temporary dwelling may be erected/moved onto a lot.
2. The location of the temporary dwelling shall conform to the provisions governing yard requirements or permanent dwellings in the District where located.
3. The temporary dwelling shall not be utilized for a period exceeding twelve (12) months from the date of issuance of a zoning permit for such construction, during which time a satisfactory degree of progress is shown on his permanent dwelling. An extension of the twelve (12) month time limit may be granted by action of the Zoning Administrator. Temporary dwellings or construction trailers for use incidental to construction work shall be removed within thirty (30) days after the completion or abandonment of the work.
4. The water supply and sewage disposal facilities shall conform to all requirements of [District Health Department #2](#). Installation of such facilities shall precede occupancy of the temporary dwelling.
5. Application for a permit for such occupancy shall be made to the Zoning Administrator. On receipt of a 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 hereto. No such permit shall be transferable to any other person.

### Section 3.13 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

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after the completion or abandonment of work constitutes a violation of this Ordinance. A three (3) month extension may be granted by the Zoning Administrator.

### Section 3.14 Manufactured Homes

Any manufactured home, meeting the definition of a single-family dwelling, shall be allowed in any district where single-family dwellings are permitted. A manufactured home newly sited on an individual lot shall meet the standards for minimum lot size, yard setbacks, and minimum floor area for the district in which it is 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/State of Michigan Administrative Code** requirements.
- B. 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.
- C. Manufactured homes shall be installed according to the construction code adopted by Alcona County, and the construction of the unit shall comply with the **United States Department of Housing and Urban Development (HUD)** regulations entitled "**Manufactured Home Construction and Safety Standards**", being 24 CFR part 3280, as amended.
- D. Manufactured homes shall not be attached to another structure unless the manufactured home and the other structure have been specifically designed and engineered by the manufacturer to be attached to each other.
- E. Rooms or other area additions to the home are prohibited unless such additions are constructed of similar materials and quality of workmanship as in the main building, including an appropriate foundation and permanent attachment thereto, and conform to the building codes to the State of Michigan and Alcona County (local ordinances) as determined by the local building inspector.
- F. No person shall occupy a manufactured home as a dwelling within Hawes Township until a certificate of compliance with the HUD Code and the current **Alcona County Construction Code** has been issued by the **Alcona County Building Department**.
- G. No manufactured home shall be located or placed in Hawes Township without prior completion of site preparation to include electric, water, sewage disposal, and foundation to meet the current **Alcona County Construction Code** and **District #2 Health Department** standards. Installation of electric, water, and sewage disposal shall be complete prior to human occupancy of the unit.
- H. Manufactured homes shall not be used as accessory buildings.
- I. No unoccupied manufactured home shall be stored on any lot or parcel in Hawes Township.

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**Section 3.15 Earth Homes**

Single-family earth homes are permitted in all residential districts as long as they meet all of the requirements of the district in which they are located and the bottom edge of the earth berms surrounding the building or structure meet the height and yard setback requirements for all yards.

**Section 3.16 Nonconformities**

**A. Intent.**

It is recognized that there exists within the districts established by this Ordinance and subsequent amendments, lots, structures, and land uses which were lawful before this Ordinance was passed or amended which would be prohibited, regulated, or restricted under the terms of this Ordinance or future amendments. It is the intent of this Ordinance to permit legal nonconforming lots, structures, or land uses to continue until they are removed.

**B. Completion of Nonconforming Structure.**

To avoid undue hardship, nothing in this Ordinance shall be construed to require a change in the plans, construction, or designated use of any structure on which actual construction was lawfully begun prior to the effective date of this Ordinance and upon which actual construction has been diligently carried on and for which plans and interest have been filed with the Township Zoning Administrator within thirty (30) days of the effective date of this Ordinance. Actual construction shall be construed as permanent fixation of construction material in place.

**C. 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 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.

**D. Change in Tenancy or Ownership.**

There may be a change of tenancy, ownership, or management of any existing nonconforming uses, nonconforming structures, or nonconforming lots which does not alter the nonconforming status.

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### E. Nonconforming Structures.

1. **Maintenance of Nonconforming Structures.** Nothing in this Ordinance shall prevent such repairs of a nonconforming structure existing on the date of enactment of this Ordinance as may be reasonably necessary to secure advantageous use thereof during its natural life, provided that the owner obtain all required permits.
2. **Damaged Nonconforming Structures.** A nonconforming structure damaged by fire, explosion, act of God, or the public enemy may be restored in any manner which does not increase the nonconformity. Restoration shall be complete within one (1) year from date of damage. The Planning Commission may extend this time period beyond one (1) year if it finds good cause for such extension.
3. **Alterations to Nonconforming Structure.**
  - a. Expansion or enlargement of a nonconforming structure may be permitted provided such expansion or enlargement does not increase the nonconformity.
  - b. If a structure is nonconforming due to setbacks and should such structure be moved within the same lot or to a new lot for any reason for any distance whatsoever, it shall thereafter conform to the setback regulations for the district in which it is located after it is moved.
  - c. Nothing in this Section shall prevent the owner of a nonconforming structure from submitting a variance petition. Unless a setback variance is explicitly limited or conditioned by the Zoning Board of Appeals, a setback variance permanently alters the applicable setback line of the subject property for the full length of that setback line. No further variance is required to construct at a later time according to the modified setback line.

### F. Nonconforming Uses.

1. **Expansion of Nonconforming Use.**
  - a. **Expansion Throughout a Parcel of Land.** The extension of a nonconforming use throughout a *parcel of land* not fully occupied by such nonconforming use on the effective date of this Ordinance may be granted by the Planning Commission as a permitted use provided the following:
    - (1) Any permitted expansion shall not be for the accommodation of any type of nonconforming use or activity which is not currently engaged.
    - (2) No expansion shall reduce or eliminate any ordinance requirements regarding setback, open space, off-street parking, screening, density, area, traffic safety, noise, lighting, height, pollution, or other safeguards or protection requirements.

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- (3) Any expansion permitted hereunder shall not affect or alter any other restrictions, limitations, or conditions pertaining to the existing nonconforming use which shall remain in full force and effect.
- b. **Expansion Throughout a Building.** The extension of any nonconforming use 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 may be granted by the Planning Commission as a permitted use.
- 2. **Change of Nonconforming Use.** No nonconforming use shall be changed to other than a conforming use nor shall a use be reverted to a former nonconforming use after use has been changed to conforming use.
- 3. **Destruction of a Nonconforming Use.** In the event any nonconforming use shall be damaged or destroyed by fire, wind, an Act of God, or the public enemy, it may be rebuilt or restored to its original use and configuration.
- 4. **Discontinuance (Abandonment) of Nonconforming Use.** 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, then 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 nonconforming use, the Zoning Administrator shall consider the following factors:
  - a. Whether utilities, such as water, gas, and electricity to the property have been disconnected
  - b. Whether the property, buildings, and grounds have fallen into disrepair.
  - c. Whether signs or other indications of the existence of the nonconforming use have been removed.
  - d. Whether equipment or fixtures necessary for the operation of the nonconforming use have been removed.
  - e. Other information or actions that evidence an intention on the part of the property owner to abandon the nonconforming use or structure.

**G. Nonconforming Lots of Record.**

In any district, main 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 approval for appropriate drinking water and sewage disposal facilities is granted by the **District Health Department** and applicable yard requirements are met or variances are obtained through approval of the Zoning Board of Appeals.

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If any nonconforming lot or lots are of continuous frontage with other such nonconforming lots under the same ownership, such lots shall be regarded as a single parcel for the purposes of this Ordinance and shall not be used, occupied, divided, transferred through an estate or sold in any way which diminishes compliance with minimum lot size requirements.

### Section 3.17 Fences

Fence regulations in this Section shall not apply to fences used for agricultural purposes. Barbed wire shall not be considered a fence.

#### A. General.

1. The term “fence” shall include any wall used as a fence, fence gate, or fence entranceway.
2. Fences shall require a Zoning Permit issued by the Zoning Administrator. No permit is required for fences used for agricultural purposes.
3. It shall be the responsibility of the property owner to locate the correct property line between lots. A survey by a licensed surveyor is strongly recommended. The Zoning Administrator may require a survey by a licensed surveyor prior to issuing a permit for a fence.
4. Fence materials may include materials commercially designed for fence construction. Materials not commercially designed for fence construction are prohibited unless required for agricultural purposes.
5. Fence posts shall be placed on the inside of the property line of the owner erecting the fence.
6. The portions of all fences facing property other than the property of the fence owner or facing a street right-of-way shall be finished and constructed so that, to the extent possible by the design of the fence, the fence posts, and the horizontal and/or vertical fence supports are not visible from that other property or from the street right-of-way.
7. Fences shall be maintained to retain their original appearance, shape, and configuration. Elements of a fence that are missing, damaged, destroyed, or deteriorated shall be replaced and repaired to maintain conformity with the original fence appearance and design.
8. **Corner Clearance.** Fences installed, constructed, or planted in accordance with the provisions of this Ordinance shall not obstruct corner clearance areas as regulated in [Section 3.07](#).

#### B. Height.

1. Fences shall not exceed four (4') feet in height within any yard with the exception of subsection B.2 below.

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2. The Planning Commission shall have the authority to approve fences higher than four (4') on a case-by-case basis with no public hearing required. When reviewing a request for a fence greater than four (4') feet in height in a waterfront yard, the Planning Commission shall consider whether or not the proposed fence unreasonably restricts, or may in the future unreasonably restrict, the waterfront view from neighboring properties.

C. **Setback.**

1. **All Yards.** Fences shall be set at least six (6") inches inside the property line.
2. **Waterfront Yard.** No fence or part thereof shall run closer to the ordinary high water line than twenty-five (25') feet except where private property is adjacent to a public access site in which case a fence may be erected to the water's edge with Planning Commission approval.

D. **Snow Fences.**

A snow fence is a temporary type of porous fencing that forces windblown, drifting snow to accumulate in a desired place rather than accumulating on roads, private drives, and other property areas where the accumulation and drifts are not desirable. As used in this Ordinance, the term "snow fence" includes not only the fencing material but also all posts to which the fencing material is attached. Snow fences may be installed and maintained pursuant to a permit issued under this Ordinance from November 1st through April 30<sup>th</sup>. Snow fences, including posts, may not be erected prior to November 1st and must be removed by April 30<sup>th</sup>. Additionally, snow fences should not be erected in such a manner as to cause snow to accumulate on neighboring properties or on any roads or highways. Any violation of this Ordinance will subject the property owner where the snow fence is located to the penalties specified in [Section 9.09](#) of this Ordinance.

**Section 3.18 Screening & Buffering**

Whenever a nonresidential use abuts a residential district or use, there shall be provided and maintained, on those sides abutting or adjacent to a residential use of property or a residential district, an obscuring fence, 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.

A. **Fences and Walls.**

Solid fences, walls, and chain link or other wire fence utilizing metal, plastic, or wood slats shall be considered an obscuring wall for the purpose of this Ordinance. The construction of a fence or wall in combination with a berm to achieve the required height standards for screening purposes may also be approved. The height of the berm in addition to the fence atop of the berm shall not exceed the approved screening height.

B. **Vegetative Buffer Strip.**

<b>1</b> Purpose & Authority	<b>2</b> Definitions	<b>3</b> General Provisions	<b>4</b> District Regulations	<b>5</b> Site Plans & Plot Plans
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The Planning Commission may, in its review of site plans for specific uses, allow or require the provision of a vegetative buffer strip consisting of trees and shrubs alone or in addition to a fence or wall to serve as a screen where such screens are required under this Ordinance or where conditions are such that a more effective and harmonious development with abutting or neighboring land uses would result.

1. 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.
2. The relationship between deciduous and evergreen plant materials shall ensure that a maximum obscuring effect will be maintained throughout the various seasonal periods.

### C. Waiver.

The Planning Commission may waive or modify the foregoing requirements where cause can be shown that no good purpose would be served with conformance to this Section.

## Section 3.19 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 Section:
  - a. Special seasonal lights such as Christmas decorations.
  - b. Lights located within the public right-of-way or easement.
  - c. Temporary lighting needed for emergency services or to perform nighttime road construction on major thoroughfares.
  - d. Temporary lighting for civic activities, fairs, or carnivals provided the lighting is temporary.

<b>1</b> Purpose & Authority	<b>2</b> Definitions	<b>3</b> General Provisions	<b>4</b> District Regulations	<b>5</b> Site Plans & Plot Plans
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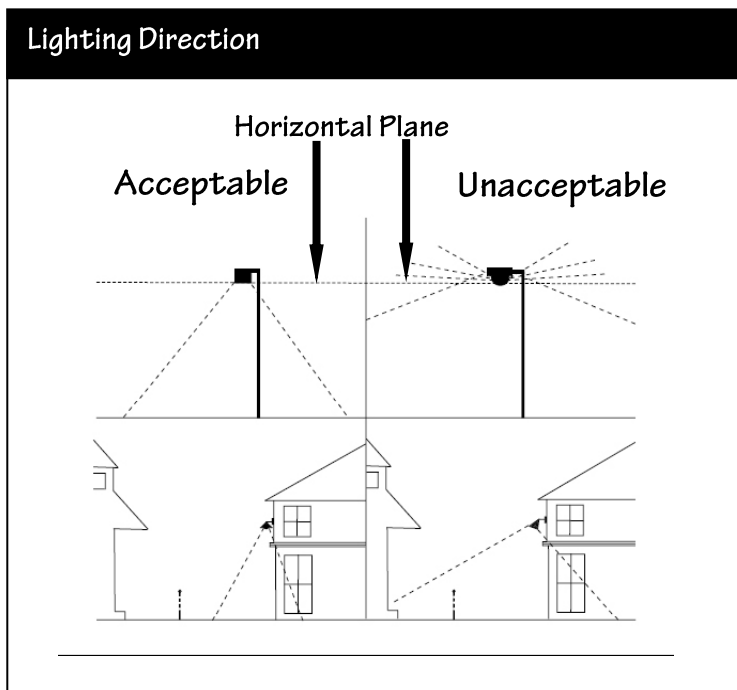
- e. Lighting required by the **Federal Communications Commission, Federal Aviation Administration, Federal Occupational Safety and Health Administration**, or other applicable federal or state agencies.
- f. Lighting for recreational facilities: shall conform to the requirements set forth in the most current edition of the **Illuminating Engineering Society of North America (IESNA) RP-6 Recommended Practice for Sports and Recreational Area Lighting** and the IESNA Lighting Handbook.

2. **Standards.** Lighting shall be designed and constructed as per the following requirements:

- a. **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.

b. **Lighting Directed Downward/Shielded.**

Except for diffused globe-style walkway lights and the lighting addressed in **subsection B.2.c** below, the following shall apply: all outdoor lighting, in all districts, shall be directed toward and confined to the ground areas of lawns or parking lots. Exterior lighting shall be shielded, hooded, and/or louvered to provide a glare-free area beyond the property line unless the light source is not directly visible from beyond the boundary of the site. Lighting fixtures shall have one hundred (100%) percent cut off above the horizontal plane at the lowest part of the point light source. The light rays may not be emitted by the installed fixture at angles above the horizontal plane.



Lighting 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.

- c. **Upward Directional Lighting.** All lighting used for the external illumination of buildings and flags may direct lights in an upward direction so as to feature said buildings and flags. Such lights shall be placed and shielded so as not to interfere with the vision of persons on adjacent streets or adjacent property.

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- d. **Moving Lights.** All illumination of any outdoor feature shall not be of a flashing, moving, or intermittent type. Artificial light shall be maintained stationary and constant in intensity and color at all times when in use. Beacon, strobe, and search lights are not permitted.
- e. **Interference with Traffic Control Devices.** No colored lights shall be used at any location where they may be confused with or construed as traffic control devices.
- f. **Gas Stations.** Ceiling lights in gas pump island canopies shall be recessed.

**Section 3.20 Parking & Loading**

**A. Purpose.**

The purpose of parking regulations is to make the community safe for and accessible by pedestrians, cyclists, and drivers. Equal consideration should be given to pedestrians, cyclists, and drivers in the design of all public and private parking areas. Site design should help to reduce the number of conflicts between the parking area users.

**B. General Parking Standards for Multi-Family and Nonresidential Uses.**

- 1. **Compliance Required.** Off-street parking and loading provisions of this Section shall apply to the following:
  - a. **New Construction.** For all buildings and structures erected and all uses of land established after the effective date of this Section.
  - b. **Enlargement.** Whenever a building is expanded to increase its usable floor area which results in an increase in required parking spaces.
  - c. **Change in Use.** Whenever the use of a building or portion of a building is changed to accommodate a use requiring more parking than the former use.
  - d. **Parking Area Construction and Expansion (for all new parking areas and whenever existing parking areas are expanded or upgraded).** 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, the outright removal or substantial modification of the paved surface in preparation for paving and demolition which serves to return a parking area substantially to gravel or other aggregate surface, shall, for the purposes of this code, be considered a new parking area.
  - e. Regulations pertaining to off-street parking shall not apply to buildings in existence at the time of adoption of this Ordinance unless one of the above a - d apply.

<b>1</b> Purpose & Authority	<b>2</b> Definitions	<b>3</b> General Provisions	<b>4</b> District Regulations	<b>5</b> Site Plans & Plot Plans
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2. **Permit Required.** A zoning permit shall be required to construct a parking lot.
3. **Parking Lot Location.** Parking for other than single-family or two-family residential uses 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.
4. **Collective Parking.** Two (2) or more buildings or uses may collectively provide the required off-street parking in the same area in which case the number of parking spaces required shall be reduced by ten (10%) percent for each building or use.
5. **Shared Parking.** 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(s) and shall be recorded with the Register of Deeds. Shared parking areas shall be located not more than three hundred (300') feet from the uses they are intended to serve and shall be connected to that use by a defined pedestrian walkway.
6. **Parking Lot Design.**
  - a. Exit and entrance may be combined or provided separately. Approval of the location of such exit and entrance shall be obtained from the **Alcona County Road Commission**, which approval shall include the design and construction thereof in the interest of safety, adequate drainage, and other public requirements.
  - b. **Parking Space Size.** A minimum of one hundred forty (140 ft<sup>2</sup>) square feet located on the property intended to be served shall comprise one (1) vehicle space.
  - c. Adequate space shall be included in the parking area to facilitate the turning of a vehicle so that entry upon the highway may be in a forward manner and not by backing into the highway.
  - d. Adequate area must be provided for snow piling.
  - e. Designation of parking area must be clearly identifiable for use by the public.

C. **Calculating the Required Parking Spaces.**

The number of required parking spaces for specific uses is listed in [subsection D](#).

<b>1</b> Purpose & Authority	<b>2</b> Definitions	<b>3</b> General Provisions	<b>4</b> District Regulations	<b>5</b> Site Plans & Plot Plans
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1. **Fractional Spaces.** 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) parking space.
2. **Uses Not Mentioned.** For those uses not specifically mentioned, the requirements for off-street parking facilities shall be in accordance with the use which the Zoning Administrator considers to be similar in type.
3. **Handicap-Accessible Spaces.** Off-street parking facilities shall provide spaces for the handicapped in accord with the provisions of the [Americans with Disabilities Act](#) or [State of Michigan Construction Code](#).
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.

### D. Number of Parking Spaces Required.

## Parking Requirements

### Residential

1. <b>Bed and Breakfasts/Rooming houses/Tourist Home/Boarding House</b>	2 for each guest bedroom.
2. <b>Group day care homes</b>	2 plus 1 for each employee.
3. <b>Home Occupations/Cottage Industry</b>	2 spaces per dwelling plus 1 for each employee. For Cottage Industries, additional parking may be required/approved.
4. <b>Manufactured Homes located in a Manufactured Housing Community</b>	2 for each manufactured home site and 1 for each employee.
5. <b>Multiple-family</b>	1.5 per each efficiency or one-bedroom dwelling unit, 2 per each unit with 2 or more bedrooms and 1 for each employee
6. <b>Single-family and two-family</b>	2 for each dwelling unit
7. <b>State-Licensed Residential Facilities (Adult Foster Care Homes 6 or less people)</b>	4 for each establishment

### Commercial

8. <b>Auto service station and repair</b>	2 spaces for each service bay plus 1 space for each employee on largest shift.
9. <b>Auto wash; auto reconditioning; auto cleaning</b>	1 space per employee on the largest shift plus a minimum of 5 stacking spaces.
10. <b>Bank</b>	1 for each 400 square feet of usable floor area.
11. <b>Beauty parlor or barber shop</b>	2 per chair.
12. <b>Bowling alley</b>	5 spaces per lane.
13. <b>Laundromats</b>	1 for each washing machine.

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14. Motel, hotel, or other commercial lodging establishments	1 for each guest bedroom plus 1 for every 2 employees, plus spaces for any dining rooms, cocktail lounges, ballrooms, or meeting rooms, based upon maximum occupancy code.
15. Medical and dental offices or similar offices	1 for each 100 square feet of usable floor area, but not less than 4 spaces whichever is the greater.
16. Mini-warehouses, self-storage establishments	1 per 10 storage units, equally distributed throughout the storage area
17. Funeral home; mortuary	1 per 3 persons based on maximum occupancy code plus one for each employee
18. Outdoor Sales	1 for each 600 square feet of lot area
19. Plumbing, printing, and similar service shops	1 for each employee plus 1 for each 300 square feet of floor area.
20. Professional and business offices	1 for each 400 square feet of usable floor area.
21. Research, medical or optical laboratory	1 space per 350 square feet.
22. Restaurants, and similar establishments for sale and service of food and drinks for consumption on the premises, but not drive-ins or drive-throughs	1 for each 100 square feet of usable floor space.
23. Restaurants with drive-in or drive-through	1 for each 100 square feet of usable floor space. A minimum of 5 stacking spaces shall be provided for each service window where a drive-through operation is present.
24. Retail stores	1 space per 150 square feet of usable floor area.
25. Veterinary clinics; animal hospitals	1 for 100 square feet of usable floor area, but not less than 4 spaces whichever is the greater.
<b><i>Institutional</i></b>	
26. Assisted living facility, Nursing Homes, Convalescent Homes	1 for every 2 dwellings plus 1 for each employee on the largest shift
27. Churches, temples, or similar places of worship; theaters, auditoriums, and assembly buildings; stadiums, sports arenas, or similar places of outdoor assembly	1 space for each 4 seats or 8 linear feet of benches in the main unit, plus 1 for every 2 employees. If no permanent seats are provided, then 1 space for each 35 square feet of gross floor area.
28. Community clubs, dance halls, fraternal organizations, private clubs	1 for each 100 square feet of usable floor area.
29. High Schools	1 for every 6 seats in the main auditorium or 1 for each employee plus 1 for each 4 students (whichever is greater)
30. Elementary, middle, and junior high schools	1 for each 10 seats in main auditorium or 1 for each employee plus 2 for each classroom (whichever is greater)
31. Government offices; community center; libraries; museums	1 for every 200 square feet
32. Hospitals, clinics, and similar establishments	1 for each four beds and 1 for each 2 employees and/or staff members
33. Jails	1 space for each staff member plus 1 space for every 5 cells in addition to off-street loading spaces for delivery and transport vehicles.

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<b>34. Nursery schools, day nurseries, or child day care centers (non-residential)</b>	1 for each employee plus 1 space for each 5 children of licensed authorized capacity or 1 space for every 10 children if adequate drop-off facilities are provided.
<b>Industrial</b>	
<b>35. Industrial &amp; Manufacturing Establishments</b>	1 for every employee on the largest shift plus space to accommodate all vehicles with the operations of the establishment.
<b>36. Mineral extraction, borrow pit, topsoil removal, and storage</b>	1 space per employee on the largest shift.
<b>37. Sanitary landfill or refuse dump; sewage, trash, garbage disposal, or recycling plant</b>	1 space per employee on the largest shift.
<b>38. Warehouse and/or storage building; Truck Terminal</b>	1 for every employee on the largest shift plus space to accommodate all vehicles with the operations of the establishment.
<b>39. Water treatment or wastewater facility</b>	1 per employee on the largest shift.
<b>40. Wholesale establishments</b>	1 per 600 square feet plus 1 space per employee on the largest shift.
<b>Recreational</b>	
<b>41. Athletic clubs</b>	1 per each 3 persons allowed within the maximum occupancy load plus 1 per each employee.
<b>42. Boat Launch Ramps; Marinas</b>	1 per boat slip plus 20 for launch ramps.
<b>43. Cemetery</b>	1 space per employee on the largest shift.
<b>44. Golf Courses</b>	4 spaces per hole plus 1 for each employee.
<b>45. Mini Golf Courses</b>	2 spaces per hole plus 1 for each employee.
<b>46. Tennis or racquetball facility</b>	2 spaces per court plus 1 space per employee on the largest shift.

### E. Loading and Unloading Space.

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

## Section 3.21 General Exceptions/Encroachments

### A. Essential Services.

The erection, alteration, or maintenance of essential services by public utility or municipal departments or commissions for the public health or safety, or general welfare, shall be permitted as authorized or regulated by law and other Ordinances of Hawes Township in every Zoning District, it being the intent hereof to exempt erection, alteration, and maintenance from the application of this Ordinance.

### B. Encroachment of Projections.

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Setbacks are measured to the edge of the eave. Projecting chimneys, bay windows, and similar architectural features may project into a setback. Decks, patios, and porches shall meet setbacks for the primary structure.

### C. Voting Place.

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

### D. Driveways.

For the purpose of this Ordinance, driveways may be placed in the required front and/or side setbacks so as to provide access. These drives shall not be considered structural violations in front and side yards.

### E. Exemption of Accessory Agricultural Buildings and Structures.

The provisions of this Ordinance shall not apply to the construction, repair, and maintenance of accessory agricultural buildings and structures when used for customary agricultural purposes. Agricultural buildings shall be required to meet the district setbacks.

### F. Height Limit.

1. The district height limitations of this Ordinance shall not apply to any portion of a structure that could not be used for living or commercial space such as chimneys, church spires, flag poles, and public monuments; provided, however, the Planning Commission may specify a height limit for any such structure when such structure requires authorization as a Special Use.
2. The district height limitations of this Ordinance shall not apply to ground-mounted amateur radio transmitting and receiving towers.
3. The district height limitations of this Ordinance do not apply to wind turbines, anemometer towers, radio and television towers, wireless communications support structures, and related facilities which are regulated by [Article 7: Supplemental Regulations](#).

## Section 3.22 Livestock & Fish Ponds

### A. Domestic (Non-Commercial Farms).

In the A-R, A, and F-R Districts, the keeping and raising of domestic livestock, including but not limited to cows, horses, pigs, goats, chickens, and sheep, must be fenced in using appropriate type fencing (barbed wire, chicken wire, stock fencing), and shelters for animals must be at least three (300') hundred feet from all property lines.

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- B. Artificial fish ponds shall be contained to prevent fish from entering natural water bodies in the event of flooding.

**Section 3.23 Performance Standards**

**A. Smoke and Air Contaminants.**

It shall be unlawful for any person, firm, or corporation to permit the emission of any smoke or air contaminant in violation of air quality standards adopted by federal and/or state regulatory authorities.

**B. Drifted or Blown Material.**

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

**C. Odors.**

Any condition or operation which results in the creation of odors of such intensity and character as to be detrimental to the health and welfare of the public or which interferes unreasonably with the comfort of the public shall be removed, stopped, or so modified as to remove the odor. The provisions of this Section are not intended to apply to farming activities.

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

**D. Gases.**

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

<b>1</b> Purpose & Authority	<b>2</b> Definitions	<b>3</b> General Provisions	<b>4</b> District Regulations	<b>5</b> Site Plans & Plot Plans
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**E. Electrical Disturbance, Electromagnetic, or Radio Frequency Interference.**

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

**F. Glare and Heat.**

Any operation producing intense glare or heat shall be performed within an enclosure so as to completely obscure and shield such operation from direct view from any point along the lot line, except during the period of construction of the facilities to be used and occupied.

**G. Noise.**

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

**H. Vibration.**

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

**Section 3.24 Excavation or Holes**

The construction, maintenance, or existence of unprotected or unbarricaded holes, pits, wells, building pads, or similar excavations which cause, or are likely to cause, a danger to life, health, and safety to the general public shall be prohibited. This Section shall not, however, prevent any excavation which is required for the construction, remodeling, or expansion of structures, or industrial or farming operations, provided appropriate precautionary measures, such as the placement of warning signs, fences, etc., have been placed on the premises. Nothing in this Section shall apply to bodies of water, ditches, streams, or other major natural resources created or existing by the authority of the State of Michigan, Alcona County, Hawes Township, or other units of government. Excavation resulting from the extraction of sand, gravel, or other minerals for commercial purposes shall be required, upon termination of such activities, to be refilled by the person, firm, or corporation engaging in such excavation. The excavated site shall be graded and returned, as near as possible, to its natural state, including planting of vegetation indigenous to the area.

<b>1</b> Purpose & Authority	<b>2</b> Definitions	<b>3</b> General Provisions	<b>4</b> District Regulations	<b>5</b> Site Plans & 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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**Section 3.25 Hazardous or Nuclear Waste Dumping**

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

**Section 3.26 Private Roads & Driveways**

**A. Permit Required.**

Private roads are permitted provided they conform to the requirements of this Section. No private road shall be constructed, extended, improved, or relocated after the effective date of this Ordinance unless it complies with this Section.

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

**B. Site Plan Review Required.**

Application, review, and approval of a proposed private road shall follow the same procedures as [Section 5.06](#) (Site Plan Review Procedures).

**C. Standards.**

The proposed private road shall meet the following standards:

1. All private roads shall have a minimum right-of-way easement of at least sixty-six (66') feet, or the current [Alcona County Road Commission's](#) designated right-of-way width for local residential roads, whichever is greater. While not required to be dedicated to the public, no structure or development activity shall be established within approved rights-of-way or easements. If a private road is proposed to become a public road in the future, the road must meet [Alcona County Road Commission](#) design standards and be constructed to those standards prior to acceptance by the Road Commission.
2. The roadway grade should be constructed to meet current [Alcona County Road Commission](#) minimum construction standards.
3. No fence, wall, sign, landscape screen, or any plantings shall be erected or maintained in such a way as to obstruct vision or interfere with traffic visibility on a curve or the area specified in [Section 3.07](#).

<b>1</b> Purpose & Authority	<b>2</b> Definitions	<b>3</b> General Provisions	<b>4</b> District Regulations	<b>5</b> Site Plans & Plot Plans
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4. A cul-de-sac or other approved turn-around configuration shall be constructed whenever a private road terminates without intersection with another public street or private road. The cul-de-sac or other turn-around must meet current **Alcona County Road Commission** minimum standards.
5. Any driveways off a private road shall be at least forty (40') feet from the intersection of a private or public road right-of-way.
6. A right-of-way construction permit from the **Alcona County Road Commission** is required for connection to a road under the Commission's jurisdiction. When applicable, a permit is also required from the County under the Soil Erosion and Sediment Control Act. Intersections of private roads with public roads shall be at an angle as close to ninety (90°) degrees as possible and must meet all requirements of the appropriate right-of-way construction permit.
7. Private roads shall have a compacted gravel (or comparable) or paved width meeting current **Alcona County Road Commission** standards.
8. Stormwater runoff patterns for the private road shall be shown on the site plan. Any drainage originating outside the site, which has previously flowed onto or across the site, shall also be considered in the proposed stormwater runoff plan. Where stormwater runoff is proposed to run into an existing County road stormwater system, the stormwater plan for the private road shall be submitted to the **Alcona County Drain Commissioner** and the **Alcona County Road Commission**, or other appropriate government permitting agencies for review and approval prior to Township Planning Commission approval.
9. Lots or parcels fronting on private roads shall meet the required front yard setback and lot width for the zoning district where located.

**D. Road Construction Approval Procedures.**

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

1. 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.

<b>1</b> Purpose & Authority	<b>2</b> Definitions	<b>3</b> General Provisions	<b>4</b> District Regulations	<b>5</b> Site Plans & 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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- 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.
2. All plans as submitted for approval shall show the private road easement including a legal description and must include the grade for these roads.
  3. Road maintenance agreement signed by the proprietor(s) shall be recorded with Hawes Township and Alcona County Register of Deeds providing for:
    - a. A method of initiating and financing the private road in order to keep the road up to properly engineered specifications and free of snow and debris.
    - b. A workable method of apportioning the costs of maintenance and improvements to current and future users.
    - c. No public funds of Hawes Township will be used to build, repair, or maintain the private road.
  4. Road easement agreement signed by the proprietor(s) shall be recorded with Hawes Township and Alcona County Register of Deeds providing for:
    - a. Easements to the public for purposes of emergency and other public utility vehicles for whatever public services are necessary.
    - b. A provision that the proprietor(s) using the road shall refrain from prohibiting, restricting, limiting, or in any manner interfering with normal ingress and egress and use by any of the other owners. Normal ingress and egress and use shall include use by family, guests, invitees, vendors, tradesmen, delivery persons, emergency vehicles, and others bound to or returning from any of the properties having a need to use the road.

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

1. The Zoning Administrator shall send the private road plans to the Township, to the appropriate Emergency Services and Fire Protection agencies, to the County Drain Commissioner, to the County Road Commission, and to the Township Attorney for review and comment. The proposed road maintenance agreement and road easement agreement shall be sent to the Township Attorney for review and comment.
2. County Road Commission, County Drain Commissioner, Emergency Services and Fire Protection agencies, Township, and Township Attorney comments shall be forwarded to the

## Hawes Township Zoning Ordinance

Planning Commission. After reviewing all materials and recommendations submitted, the Planning Commission shall approve, deny, or approve with conditions the application for a private road.

3. If the application is denied, the reasons for the denial and any requirements for approval shall be given in writing to the applicant.
4. The Zoning Administrator shall arrange for inspections during construction of and upon completion of the private road.

### F. Failure to Perform.

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

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

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

### H. Posting of Private Roads.

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

### I. Notice of Easements.

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

1. This parcel of land has private road access across a permanent sixty-six (66') foot easement which is a matter of record and a part of the deed.
2. This notice is to make purchaser aware that this parcel of land has ingress and egress over this easement only.
3. Neither the County nor the Township has any responsibility for maintenance or upkeep of any improvements across this easement. This is the responsibility of the owners of record.

## Hawes Township Zoning Ordinance

4. The United States mail service and the local school district are not required to traverse this private road and may provide service only to the closest public access.

### J. Fees.

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

### K. Final Approval.

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

### L. Emergency Services.

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

## Section 3.27 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 Hawes 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 Regulations.

1. **Flashing/Moving Signs.** Flashing, rotating, glaring, or oscillating signs are prohibited.
2. **Signs Not Secure, Broken, or Obsolete.** Signs which are in need of repair, not securely affixed to a substantial structure, or obsolete are prohibited.
3. **Signs not to Constitute Traffic Hazard.** No sign shall be erected where the position, size, movement, shape, or color may interfere with the view of, or be confused with, any authorized official traffic sign or device. Any sign hazardous to traffic is prohibited.

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4. **Illumination of Signs.** All illumination of signs shall be concentrated upon the surface of the sign or lighted from within, and the sign shall be so located as to avoid reflection or glare onto any portion of any adjacent highway, the path of oncoming vehicles, or adjacent premises.
5. **Signs in Rights-of-Way.** No sign, other than traffic or regulatory signs, shall be erected in a street or road right-of-way.
6. **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.
7. **Roof Signs.** Roof signs are prohibited.
8. **Signs Affixed to Nontraditional Surfaces.** Permanent signs shall not be affixed to rocks, trees, utility poles, and other similar surfaces.
9. **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.
10. **Substitution Clause.** Any sign that can be displayed under the provisions of this Ordinance may contain a non-commercial message.
11. **Setbacks.** In the front or street-side yard on a corner lot, free-standing signs shall be setback ten (10') feet from the road right-of-way, When such signs are located on a lot which directly abuts a residentially-zoned lot or lot which contains a residential use, park, library, school, church, or similar institution, then the setback from the abutting interior side lot line shall be seven and one-half (7 ½') feet.
12. **Permit.** With the exception of those signs listed in [subsection D](#), prior to erection of a sign, a sign permit shall be obtained from the Zoning Administrator.

**Hawes Township Zoning Ordinance**

**C. Standards by Type of Sign.**

The use of signs shall be limited to the following:

Allowable Signs Types and Sizes by Use <sup>1</sup>		
Sign Type	Single-Family and Two-Family Uses	Multi-Family and Non-Residential Uses
<b>Freestanding (Primary Sign)</b>	Maximum Size: 16 sq ft Number Allowed: 1 Maximum Height: 6 ft (measured from the ground to the top of the sign)	Maximum Size: 32 sq ft Number Allowed: Each use on the property shall be allowed 1 sign per road frontage. Maximum Height: 10 ft (measured from the ground to the top of the sign)
<b>Wall (Primary Sign)</b>	Not allowed	Permanent wall sign(s) may occupy a maximum of 25% of each building wall.
<b>Temporary Signs<sup>2</sup></b>	The total square footage of all temporary signs combined shall be no greater than 16 sq ft	The total square footage of all temporary signs combined shall be no greater than 32 sq ft
<b>Electronic or Static Message Centers</b>	Not allowed	1 electronic or static message center is allowed per parcel in addition to the primary signs listed above. Maximum Size: 32 sq ft Maximum Height: 10 ft (measured from the ground to the top of the sign)
<b>Projecting Signs</b>	Not allowed	Size: 10 sq ft Number Allowed: 1 Minimum Height for bottom of sign: 8 feet

<sup>1</sup>Signs larger than the allowable sign sizes listed in the table above may be allowed after review and approval by the Planning Commission. No public hearing is required.

<sup>2</sup>Temporary signs shall be allowed for a maximum of ninety (90) days. There is no time limit for temporary signs located on a property which is for sale.

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### D. Signs Allowed without Permit.

1. Accessory freestanding signs on nonresidential property that do not exceed four (4 ft<sup>2</sup>) square feet each.
2. Nonresidential accessory signs on nonresidential accessory structures such as gas pumps or storage sheds.
3. Information when cut into any masonry surface or plaques when constructed of non-ferrous metal and attached to a building.
4. Signs erected by an official governmental body, public utility, or historic agency.
5. Flags.
6. Signs when located on or below a canopy, awning, or marquee.
7. Temporary signs.
8. Bulletin boards erected by public, charitable, or religious institutions when they are located on the premises of such institutions.
9. Signs not readable by motorists or pedestrians on any road, alley, water body, public lands, or adjacent parcels.
10. Legal postings.

### E. Electronic Message Centers.

1. An electronic 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 safe vision of pedestrians or operators of vehicles on public or private streets, driveways, or parking areas.
3. An electronic message center shall contain a default mechanism that freezes the message if a malfunction occurs.
4. An electronic 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 an electronic message center.

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### F. 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.

### G. Small Off-Premise Signs.

Small off-premise signs shall be allowed on private property provided there exists a written agreement between the property owner and the sign owner. Said agreement shall be on file with Hawes Township.

1. Small off-premise signs may be located on vacant or occupied parcels. Small off-premise signs on occupied lots shall NOT count toward that parcel's sign size limitations.
2. Small off-premise signs shall be no greater than sixteen (16 ft<sup>2</sup>) square feet.
3. Up to six (6) small off-premise signs shall be allowed on lots located at intersections.
4. One (1) small off-premise sign shall be allowed on lots NOT located at intersections.

### H. Abandoned Signs.

1. An abandoned sign is any sign to which any of the following applies:

<b>1</b> Purpose & Authority	<b>2</b> Definitions	<b>3</b> General Provisions	<b>4</b> District Regulations	<b>5</b> Site Plans & Plot Plans
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- a. has remained blank over a period of ninety (90) days.
  - b. The sign’s message becomes illegible in whole or substantial part.
  - c. A sign which has fallen into disrepair.
2. 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. If the sign has not been removed upon the expiration of thirty (30) days from the date of the second notice, the Zoning Administrator is authorized to cause removal of such sign and any expense incident thereto shall be paid by the owner or lessee of the sign or, if such person cannot be found, by the owner of the building or structure or property to which such sign or structure is affixed. If such expense is not paid, the Township shall have a lien on the property and such cost shall be added to the tax bill for the property.

### I. Removal of Illegal and Unsafe Signs by the Township.

No sign shall be erected which have any potential of danger to the public due to moving parts or structural deficiencies. In the event that any sign becomes insecure, in danger of falling, unsafe, damaged, or if any sign shall be unlawfully installed, erected, or maintained in violation of any of the provisions of this Ordinance, the owner or lessee shall, within ten (10) days of receipt of a written notice from the Zoning Administrator, 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. In the event said owner or lessee does not remove said sign pursuant to said notice, or cannot establish a good faith effort to comply, the Zoning Administrator is authorized to cause removal of such sign and any expense incident thereto shall be paid by the owner or lessee of the sign or, if such person cannot be found, by the owner of the building or structure or property to which such sign or structure is affixed. If such expense is not paid, the Township shall have a lien on the property and such cost shall be added to the tax bill for the property. The Zoning Administrator may refuse to issue a permit to any permittee or owner who refuses to pay costs so assessed. The Zoning Administrator may cause any sign or other advertising structure which is an immediate peril to persons or property to be removed summarily and without notice.

### J. Severance Clause for Signs.

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

# Article 4 District Regulations

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## Section 4.01 Establishment of Zoning Districts

To achieve the purposes set forth in the preamble of this Ordinance, Hawes Township is hereby divided into the following districts:

R-1	Residential District
R-2	Residential – Lake Shore District
A-R	Agricultural–Residential District
A	Agricultural District
F-R	Forest Recreational District
C	Commercial District
I-D	Industrial Development District

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**Section 4.02 Zoning District Boundaries**

**A. Definition of District Boundaries.**

The location and boundaries of these Zoning districts are established on a map entitled the "**Hawes Township Zoning Map**" which is hereby adopted as a part of this Ordinance. The official zoning map shall be located in the Township offices and shall be updated as necessary.

Where uncertainty exists as to the exact district boundaries, the following shall prevail:

1. Where boundary lines are indicated as approximately following streets, alleys, or highways, the centerline of said streets, alleys, or highways shall be considered to be exact boundary lines.
2. Boundaries indicated as approximately following lot lines shall be considered to follow said lot lines.
3. Boundaries indicated as following the shorelines of lakes shall be considered as following such shoreline. Where shorelines of lakes have changed, the boundary line shall be construed as following the contour of the new shoreline and in the case of changes in the course of a stream, the boundary shall be considered as the centerline of the new course.
4. Boundaries indicated as approximately following the township limits shall be construed as following township limits.
5. Where the application of the aforementioned rules leave a reasonable doubt as to the exact location of a district boundary, the provisions of more restrictive district shall govern the entire parcel in question, unless determined otherwise by the Zoning Board of Appeals.

**B. Zoning Of Vacated Areas.**

Whenever any street, alley, highway, or public right-of-way within the Township shall have been abandoned by official government action and when such right-of-way lands attach to and become part of the land adjoining said right-of-way, such right-of-way property shall automatically acquire and be subject to the provisions of the Zoning District of the abutting property. In the case of an abandoned right-of-way which also serves as a district boundary, the centerline of such abandoned right-of-way shall remain the boundary line and the lands on either side of said center line shall become attached to their respective adjoining properties.

**C. Zoning of Fill Areas.**

Whenever, after appropriate permits are obtained, any fill material is placed in any lake or stream 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 use

<b>1</b> Purpose & Authority	<b>2</b> Definitions	<b>3</b> General Provisions	<b>4</b> District Regulations	<b>5</b> Site Plans & Plot Plans
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emanates. No fill material shall be placed in any lake or stream within the Township unless appropriate permits are obtained from the State of Michigan.

### D. Zoning District Changes.

When district boundaries change, any nonconforming use may be continued subject to all other applicable provisions of this Ordinance.

## Section 4.03 Application of District Regulations

No building shall hereafter be erected, altered, or moved, nor shall any building or premises hereafter be used for any purpose other than is permitted in the district in which said building or premises is located, except as herein described by this Ordinance. Except as hereinafter provided, district regulations shall be applied in the following manner:

### A. Application of Yard Regulations.

1. No part of a yard required for any building for the purposes of compliance with this Ordinance shall be included as a part of a yard or other open space similarly required for another building.
2. **Measuring Setbacks.** All setbacks shall be measured perpendicularly from the lot line to the nearest point of the eave or overhang (dripline) of the applicable building or structure or to a raised structure (i.e. deck or porch). In the case of a waterfront lot, the front setback shall be measured from the Ordinary High Water Mark.
3. No building, structure, fence, or other permanent improvement shall be permitted to be erected or located within a public right-of-way.
4. **Corner Lots or Through Lots.** In the case of a corner or double frontage lot, the front lot line shall be that line on which the property is assigned an address.
5. **Water Frontage Lots.** In the case of a waterfront lot, the front lot line shall be the ordinary high water mark of the lake, river, or stream.

### B. Application of Height Regulations.

1. Building height is measured from the natural grade.
2. No building shall be erected, converted, enlarged, reconstructed, or structurally altered to exceed the height limit hereinafter established for the district in which the building is located, except as otherwise provided in this Ordinance ([Section 3.21.F](#))

### C. Location and Number of Dwellings on Lot of Record.

1. Every building erected, altered, or moved shall be located on a lot of record as defined herein.

<b>1</b> Purpose & Authority	<b>2</b> Definitions	<b>3</b> General Provisions	<b>4</b> District Regulations	<b>5</b> Site Plans & Plot Plans
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2. Except where otherwise specified in this Ordinance, there shall be only one (1) single-family dwelling permitted per lot in the single-family zoning districts. Where there is more than one (1) single-family dwelling located on a lot of record at the time of adoption of this Ordinance, said dwelling shall not be divided from the lot except in conformity with the requirements of this Ordinance.

### D. Administrative Deviations.

An Administrative Deviation is a permitted deviation from the requirements of the Zoning District which are approved by the Zoning Administrator or the Planning Commission. The Zoning Administrator or Planning Commission may make modifications to minimum dimension requirements of not greater than ten (10') feet for yard and/or height where no alternative plan can be suitably developed for a property.

## Section 4.04 Permitted, Special & Unlisted Uses

### A. Permitted Uses.

Permitted uses shall be permitted by right only if specifically listed as permitted uses in the zoning district or are similar to such listed uses, as determined by the Zoning Administrator.

### B. Special Uses.

Special Uses are permitted after review and approval by the Planning Commission only if specifically listed or are similar to such listed uses, as determined by the Zoning Administrator.

### C. Unlisted Uses.

The Planning Commission shall have the power, upon written application of a property owner, to classify a use not listed in any district with a comparable permitted or prohibited use in any district, giving due consideration to [Article 1](#) of this Ordinance. If no comparable use is determined, such use may then only be provided by amendment to the Ordinance.

<b>1</b> Purpose & Authority	<b>2</b> Definitions	<b>3</b> General Provisions	<b>4</b> District Regulations	<b>5</b> Site Plans & 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

Hawes Township Zoning Ordinance

Section 4.05 R-1: Residential District

R-1

A. Purpose.

The purpose of the Residential District (R-1) is to provide areas primarily dedicated to residential use consisting of single-family (attached and detached) and two-family, each dwelling to be located on individual lots or premises adequate in size to provide for safe water and sewage and set back from the public thoroughfare to facilitate safe exit from the entrance to the premises. In addition, uses which support the above uses are included.

The requirements are intended to protect and stabilize the basic qualities of each such district and to provide suitable and safe conditions for family living. The districts are established in conformity with the existing areas and in areas which it appears desirable for such developments to take place.

B. Uses Allowed.

Permitted and Special Uses shall be limited to those listed in the tables below (also in [Section 4.13: Full Table of Permitted and Special Uses](#)) and shall be subject to all applicable provisions of [Article 5: Site Plans and Plot Plans](#), [Article 6: Special Use Review](#), and [Article 7: Supplemental Regulations](#).

TABLE OF PERMITTED USES & SPECIAL USES		R-1
<i>P</i> = Permitted by right <i>S</i> = Permitted with a Special Use Permit <i>*</i> supplemental development regulations		
Accommodation & Food/Event Services		
Bed & Breakfasts & Tourist Homes		P
Inns		S
Resorts		S
Restaurants (without drive-through/drive-in)		S
Rooming Houses/Boarding Houses		S
Short Term Rental Homes - <a href="#">§7.18</a>		P*
Agriculture, Animal Services & Forest Products		
Veterinary Clinic/Animal Hospital (with no outdoor animal area)		S
Arts, Entertainment & Recreation		
Art Galleries & Art Studios		S
Canoe/Kayak Liveries		S
Historic Sites (open to the public)		S
Hunting & Fishing Cabins (require zoning permit – same process as single-family dwelling)		P
Museums (public)		S
Nature Parks/Nature Areas		P
Public Parks & Playgrounds		P
Communications		
Wireless Communications Support Structures (towers) under 100 feet - <a href="#">§7.06</a>		P*

TABLE OF PERMITTED USES & SPECIAL USES		R-1
<i>P</i> = Permitted by right <i>S</i> = Permitted with a Special Use Permit <i>*</i> supplemental development regulations		
Educational Services & Religion		
Religious Institutional & Customary Accessory Uses		S
Schools & other Educational Buildings		S
Human Care & Social Assistance		
Adult Day Care Facility (in home)		S
Adult Foster Care Family Homes (6 or less)		P
Adult Foster Care Small Group Home (7-12)		S
Adult Foster Care Large Group Home (13-20)		S
Child Care Home, Family (6 or less)		P
Child Care Home, Group (7 -12) - <a href="#">§7.03</a>		S*
State-Licensed Residential Facilities (Adult Foster Care 6 or less)		P
Manufacturing, Industrial & Waste Management		
Mining/Resource Extraction (incl sand, gravel, rock & mineral extraction)- <a href="#">§7.15</a>		S*
Miscellaneous		
Accessory Buildings & Uses Incidental to Main Uses - <a href="#">§3.09</a>		P*
Cemeteries including Columbaria & Mausoleums (human or pet)		S
Planned Unit Developments - <a href="#">§7.13</a>		S*
Platted Subdivisions		S
Site Condominium Development - <a href="#">§7.14</a>		S*

<b>1</b> Purpose & Authority	<b>2</b> Definitions	<b>3</b> General Provisions	<b>4</b> District Regulations	<b>5</b> Site Plans & 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

Hawes Township Zoning Ordinance

TABLE OF PERMITTED USES & SPECIAL USES	
<i>P</i> = Permitted by right <i>S</i> = Permitted with a Special Use Permit *supplemental development regulations	<b>R-1</b>
Public Facilities	
Community Buildings	<b>S</b>
Police/Fire Stations	<b>S</b>
Residential Uses	
Accessory Dwelling Units/Guest Houses - §7.04	<b>P*</b>
Home Occupations - §7.02	<b>P*</b>
Cottage Industries - §7.02	<b>S*</b>

TABLE OF PERMITTED USES & SPECIAL USES	
<i>P</i> = Permitted by right <i>S</i> = Permitted with a Special Use Permit *supplemental development regulations	<b>R-1</b>
Residential Uses (continued)	
Single-Family Detached Dwelling	<b>P</b>
Single-Family Attached Dwelling (Townhouses; Condominiums)	<b>S</b>
Two-Family Dwelling (duplex)	<b>S</b>
Utilities & Energy	
Solar Energy Panels (Accessory) - §7.09	<b>P*</b>

C. Residential District (R-1) Development Standards.

**1. Lot & Structure Standards**

a. Lot Area (min)	12,000 sq ft
b. Lot Width (min.)	80 ft (lot shall not exceed the width/length ratio of 1:4)
c. Building Height (max.)	32 ft
d. Dwelling Unit Size (min.)*	Single-Family: 720 sq ft (ground floor area); Two-Family or Multi-Family: 720 sq ft per family *Exclusive of any attached garage, open porch, accessory building, or other attached structure)
e. Dwelling Width (min.)	20 ft across at least 75% of the dwelling (on all sides)

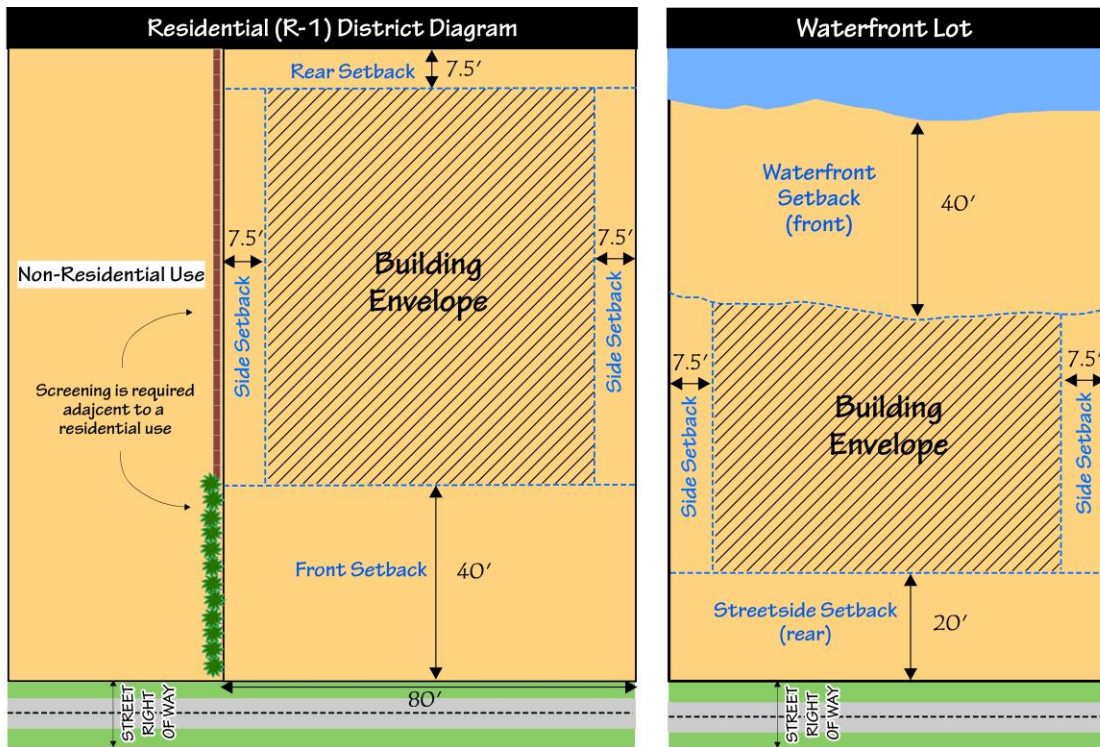
**2. Setbacks (Figure 4.05)**

a. Front (min.)	40 ft The restriction of any building or structure within the front yard setback does not include such items as flag poles, TV antennas, fences, mailboxes, signs, ornamental decorations, and other similar type items.
b. Side (min.)	7 ½ ft
c. Rear (min.)	7 ½ ft
d. Waterfront	Front (water side): 40 ft from the ordinary high water mark Rear (street side): 20 ft

**3. Additional Development Standards**

a. Accessory Buildings	See §3.09
b. Fences	See §3.17
c. Screening	Screening is required per §3.18 for non-residential use abutting a residential use
d. Signs	See §3.27
e. Limitations on Use	No yard shall be used for storage, keeping, or abandonment of junk or scrap materials, nor the dismantling, demolition, or abandonment of used automobiles or other vehicles or machinery or parts thereof.

Figure 4.05





Hawes Township Zoning Ordinance

Section 4.06 R-2: Residential – Lake Shore District

R-2

A. Purpose.

The purpose of the Residential District (R-2) is to provide areas primarily dedicated to residential use consisting of single-family (attached and detached) and two-family with each dwelling to be located on individual lots or premises, adequate in size to provide for safe water and sewage and set back from the public thoroughfare to facilitate safe exit from the entrance to the premises. In addition, uses which support the above uses are included.

The requirements are intended to protect and stabilize the basic qualities of each such district, and to provide suitable and safe conditions for family living. The districts are established in conformity with the existing areas and in areas which it appears desirable for such developments to take place.

The R-2 District is also created for protection of lakefront and other designated waterfront environments including those areas which materially affect the nature of that environment and to preserve the use of the water frontage for the purposes of recreation and natural aesthetic enjoyment.

B. Uses Allowed.

Permitted and Special Uses shall be limited to those listed in the tables below (also in [Section 4.13: Full Table of Permitted and Special Uses](#)) and shall be subject to all applicable provisions of [Article 5: Site Plans and Plot Plans](#), [Article 6: Special Use Review](#), and [Article 7: Supplemental Regulations](#).

TABLE OF PERMITTED USES & SPECIAL USES		R-2
<i>P = Permitted by right</i> <i>S = Permitted with a Special Use Permit</i> <i>*supplemental development regulations</i>		
Accommodation & Food/Event Services		
Bed & Breakfasts & Tourist Homes	P	
Cabin Courts (or Cabin Complex)	S	
Inns	S	
Resorts	S	
Restaurants (without drive-through/drive-in)	S	
Rooming Houses/Boarding Houses	S	
Short Term Rental Homes - <b>\$7.18</b>	P*	
Arts, Entertainment & Recreation		
Art Galleries & Art Studios	S	
Canoe/Kayak Liveries	S	
Historic Sites (open to the public)	S	
Hunting and Fishing Cabins (require zoning permit – same process as single-family residential)	P	
Museums (public)	S	
Nature Parks/Nature Areas	P	

TABLE OF PERMITTED USES & SPECIAL USES		R-2
<i>P = Permitted by right</i> <i>S = Permitted with a Special Use Permit</i> <i>*supplemental development regulations</i>		
Arts, Entertainment & Recreation (continued)		
Public Parks & Playgrounds	P	
Communications		
Wireless Communications Support Structures (towers) under 100 feet - <b>\$7.06</b>	P*	
Educational Services & Religion		
Religious Institutions & Customary Accessory Uses	S	
Schools & other Educational Buildings	S	
Human Care & Social Assistance		
Adult Day Care Facility (in home)	S	
Adult Foster Care Family Homes (6 or less)	P	
Adult Foster Care Small Group Home (7-12)	S	
Adult Foster Care Large Group Home (13-20)	S	
Child Care Home, Family (6 or less)	P	
Child Care Home, Group (7 -12)- <b>\$7.03</b>	S*	
State-Licensed Residential Facilities (Adult Foster Care 6 or less)	P	

<b>1</b> Purpose & Authority	<b>2</b> Definitions	<b>3</b> General Provisions	<b>4</b> District Regulations	<b>5</b> Site Plans & 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

Hawes Township Zoning Ordinance

TABLE OF PERMITTED USES & SPECIAL USES	
<i>P = Permitted by right</i>	<b>R-2</b>
<i>S = Permitted with a Special Use Permit</i>	
<i>*supplemental development regulations</i>	
<b>Manufacturing, Industrial &amp; Waste Management</b>	
Mining/Resource Extraction (incl sand, gravel, rock & mineral extraction) - §7.15	<b>S*</b>
<b>Miscellaneous</b>	
Accessory Buildings & Uses Incidental to Main Uses - §3.09	<b>P*</b>
Cemeteries including Columbaria & Mausoleums (human or pet)	<b>S</b>
Planned Unit Developments - §7.13	<b>S*</b>
Platted Subdivisions	<b>S</b>
Site Condominium Development - §7.14	<b>S*</b>

TABLE OF PERMITTED USES & SPECIAL USES	
<i>P = Permitted by right</i>	<b>R-2</b>
<i>S = Permitted with a Special Use Permit</i>	
<i>*supplemental development regulations</i>	
<b>Public Facilities</b>	
Community Buildings	<b>S</b>
Police/Fire Stations	<b>S</b>
<b>Residential Uses</b>	
Accessory Dwelling Units/Guest Houses - §7.04	<b>P*</b>
Home Occupations - §7.02	<b>P*</b>
Cottage Industries - §7.02	<b>S*</b>
Single-Family Detached Dwelling	<b>P</b>
Single-Family Attached Dwelling (Townhouses; Condominiums)	<b>S</b>
Two-Family Dwelling (duplex)	<b>S</b>
<b>Utilities &amp; Energy</b>	
Solar Energy Panels (Accessory) - §7.09	<b>P*</b>

# Hawes Township Zoning Ordinance

## C. Residential – Lakeshore District (R-2) Development Standards.

### 1. Lot & Structure Standards

a. <b>Lot Area (min)</b>	12,000 sq ft
b. <b>Lot Width (min.)</b>	80 ft (lot shall not exceed the width/length ratio of 1:4)
c. <b>Building Height (max.)</b>	32 ft
d. <b>Dwelling Unit Size (min.)*</b>	Single-Family: 720 sq ft (ground floor area). Two-Family or Multi-Family: 720 sq ft per family. *Exclusive of any attached garage, open porch, accessory building, or other attached structure
e. <b>Dwelling Width (min.)</b>	20 ft across at least 75% of the dwelling (on all sides)

### 2. Setbacks (Figure 4.06A)

a. <b>Front (min.)</b> (The restriction of any building or structure within the front yard setback does not include such items as flag poles, TV antennas, fences, mailboxes, signs, ornamental decorations, and other similar type items.)	40 ft  (1) Nonconforming Lots of Record (non-waterfront lots): 20 ft or, if 20 ft cannot be met, the following applies:  (2) Setback Averaging (non-waterfront lots): Where the front yard setbacks of 2 or more existing buildings within 400 ft in either direction of the subject lot and on the same side of the street, are less than the minimum front yard district setback required, then any building subsequently erected within said distance shall not be less and need not be greater than the average depth of the front yard setbacks of the existing buildings. In no instance shall the front yard setback be less than 7 ½ ft. <a href="#">See Figure 4.06B</a>
b. <b>Side (min.)</b>	7 ½ ft
c. <b>Rear (min.)</b>	20 ft Nonconforming Lots of Record: Rear setback may be determined in the same manner as the front setback averaging in subsection 2.a.2 above. <a href="#">See Figure 4.06B</a>
d. <b>Waterfront</b>	Front (water side): 40 ft from the ordinary high water mark Rear (street side): 20 ft

### 3. Additional Development Standards

a. <b>Accessory Buildings</b>	See <a href="#">§3.09</a>
b. <b>Fences</b>	See <a href="#">§3.17</a>
c. <b>Screening</b>	Screening is required per <a href="#">§3.18</a> for non-residential use abutting a residential use
d. <b>Signs</b>	See <a href="#">§3.27</a>
e. <b>Limitations on Use</b>	No yard shall be used for storage, keeping, or abandonment of junk or scrap materials, nor the dismantling, demolition, or abandonment of used automobiles or other vehicles or machinery or parts thereof.
f. <b>Outdoor Free-Standing Wood Burning Furnaces</b>	PROHIBITION: It shall be unlawful to install or operate a free-standing wood-burning furnace, and to cause or permit the installation or operation of a free-standing wood burning furnace, within the area designated as R-2.  VIOLATIONS, DECLARATION OF NUISANCE: Any free-standing wood-burning furnace installed or operated in violation of this Section is hereby declared to be a nuisance per se.

Figure 4.06A

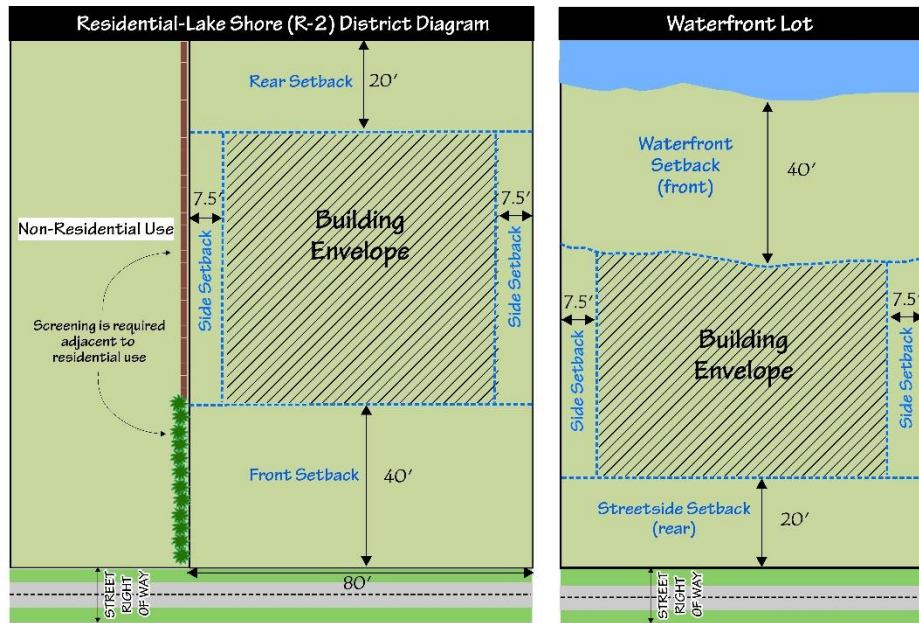
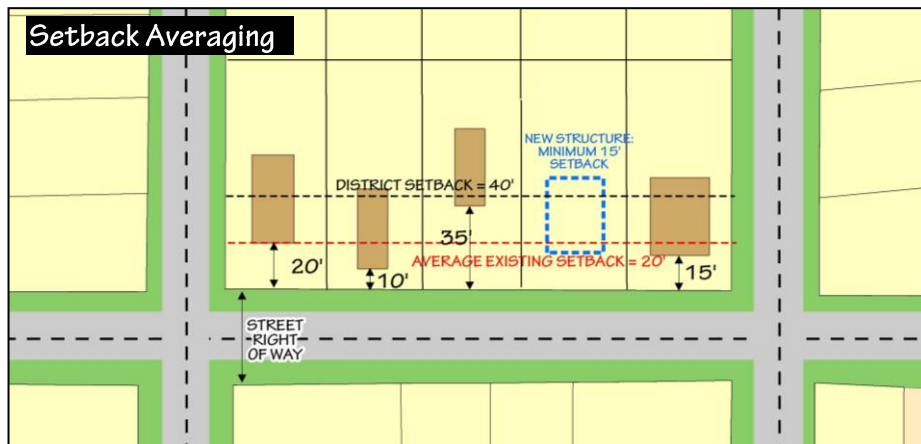


Figure 4.06B



Hawes Township Zoning Ordinance

Section 4.07 A-R: Agricultural-Residential District

A-R

A. Purpose.

While land uses in this district are intended to be primarily agricultural, residential uses and commercial uses relating to agriculture and recreation in addition to those which serve the local residents shall be permissible.

B. Uses Allowed.

Permitted and Special Uses shall be limited to those listed in the tables below (also in [Section 4.13: Full Table of Permitted and Special Uses](#)) and shall be subject to all applicable provisions of [Article 5: Site Plans 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>	A-R
Accommodation & Food/Event Services	
Bakeries & Confectioneries	S
Bars/Taverns	S
Bed & Breakfasts & Tourist Homes	P
Cabin Courts (or Cabin Complex)	P
Coffee Shops	S
Commercial Event Facilities - §7.16	S*
Food Trucks (or other similar temporary use) - §7.17 (In A, A-R, and F-R Districts, food trucks shall be operated only on lots which contain an existing business)	S*
Hotels & Motels	P
Inns	S
Microbreweries & Distilleries (serving directly to the public)	S
Resorts	P
Restaurants (without drive-through/drive-in)	S
Rooming Houses/Boarding Houses	P
Short Term Rental Homes - §7.18	P*
Wineries, Distilleries & Cider Mills (including accessory uses such as tasting rooms)	P
Agriculture, Animal Services & Forest Products	
Agricultural Related Businesses including Sale & Service of Agricultural Machinery	P
Agricultural Tourism Businesses (on Farms)	P
Biofuel Production Facilities on Farms - §7.11	PS*
Boarding Stables; Riding Arenas	P
Farming	P

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>	A-R
Agriculture, Animal Services & Forest Products (continued)	
Farm Market/Roadside stand (on property controlled by the affiliated farm)	P
Farm Product Sales (Fruit/Vegetable Market) – not affiliated with a specific farm	P
Grain Elevators	P
Greenhouse; Plant Nursery; Landscaping Establishments	P
Kennels, Dog	S
Veterinary Clinic/Animal Hospital (with or without outdoor animal area)	P
Arts, Entertainment & Recreation	
Art Galleries & Art Studios	P
Billiards Halls & Bowling Centers	S
Clubs, Private; Lodges; Fraternal Organizations	S
Country Clubs	P
Equipment Rental, Motorized	P
Equipment Rental, Non-Motorized (Outfitter)	P
Golf Courses	P
Golf Driving Ranges	P
Historic Sites (open to the public)	P
Hunting & Fishing Cabins (require zoning permit – same process as single-family residential)	P
Museums (public)	P
Nature Parks/Nature Areas	P
Outdoor Commercial Recreational Facility (ex – amusement parks, go-karts; miniature golf; disc golf; drive-in theaters)	S
Public Parks & Playgrounds	P

<b>1</b> Purpose & Authority	<b>2</b> Definitions	<b>3</b> General Provisions	<b>4</b> District Regulations	<b>5</b> Site Plans & Plot Plans
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Hawes Township Zoning Ordinance

<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-R</b>
<b>Arts, Entertainment &amp; Recreation (continued)</b>	
Race Tracks	<b>S</b>
Recreational Centers, Indoor (ex: ice rink)	<b>P</b>
Theaters/Performing Arts Facilities	<b>P</b>
<b>Commercial, Services &amp; Retail</b>	
Seasonal Sales/Transient Sales	<b>P</b>
<b>Communications</b>	
Wireless Communications Support Structures (towers) under 100 feet - <b>§7.06</b>	<b>P*</b>
<b>Educational Services &amp; Religion</b>	
Religious Institutions & Customary Accessory Uses	<b>S</b>
Schools & other Educational Buildings	<b>S</b>
<b>Human Care &amp; Social Assistance</b>	
Adult Day Care Facility (in home)	<b>S</b>
Adult Foster Care Family Homes (6 or less)	<b>P</b>
Adult Foster Care Small Group Home (7-12)	<b>S</b>
Adult Foster Care Large Group Home (13-20)	<b>S</b>
Adult Foster Care Congregate Facilities (over 20)	<b>S</b>
Assisted Living Home/Nursing Home/Convalescent Home	<b>S</b>
Child Care Home, Family (6 or less)	<b>P</b>
Child Care Home, Group (7 -12) - <b>§7.03</b>	<b>S*</b>
Child Care Center /Nursery School (not in home)	<b>S</b>
Child Caring Institution	<b>S</b>
State-Licensed Residential Facilities (Adult Foster Care 6 or less)	<b>P</b>
<b>Manufacturing, Industrial &amp; Waste Management</b>	
Mining/Resource Extraction (incl sand, gravel, rock & mineral extraction) - <b>§7.15</b>	<b>S*</b>
<b>Miscellaneous</b>	
Accessory Buildings & Uses Incidental to Main Uses - <b>§3.09</b>	<b>P*</b>
Cemeteries including Columbaria & Mausoleums (human or pet)	<b>S</b>
Planned Unit Developments - <b>§7.13</b>	<b>S*</b>
Platted Subdivisions	<b>S</b>
Site Condominium Development - <b>§7.14</b>	<b>S*</b>
<b>Public Facilities</b>	
Community Buildings	<b>S</b>
Police/Fire Stations	<b>S</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-R</b>
<b>Residential Uses</b>	
Accessory Dwelling Units/Guest Houses - <b>§7.04</b>	<b>P*</b>
Home Occupations - <b>§7.02</b>	<b>P*</b>
Cottage Industries - <b>§7.02</b>	<b>S*</b>
Manufactured Housing Community (with accessory uses such as laundry facilities, office building, & community building) - <b>§7.05</b>	<b>S*</b>
Multiple-Family Dwelling Units	<b>S</b>
Single-Family Detached Dwelling	<b>P</b>
Single-Family Attached Dwelling (Townhouses; Condominiums)	<b>S</b>
Two-Family Dwelling (duplex)	<b>S</b>
<b>Transportation &amp; Storage</b>	
Aviation Landing Fields including platforms, hangers, masts & other facilities, Aviation Support Services, Heliports	<b>S</b>
<b>Utilities &amp; Energy</b>	
Public Utility Facilities (with or without storage yards)	<b>S</b>
Solar Energy Panels (Accessory) - <b>§7.09</b>	<b>P*</b>
Utility Transformer Stations & Substations	<b>S</b>
Wind Energy Systems & Anemometer Towers (Utility-Scale/ Commercial) - <b>§7.08</b>	<b>S*</b>
Wind Energy Systems (On-Site) - <b>§7.08</b>	<b>S*</b>

<b>1</b> Purpose & Authority	<b>2</b> Definitions	<b>3</b> General Provisions	<b>4</b> District Regulations	<b>5</b> Site Plans & 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. Agricultural-Residential District (A-R) Development Standards.

**1. Lot & Structure Standards**

a. Lot Area (min)	2 acres
b. Lot Width (min.)	150 ft (lot shall not exceed the width/length ratio of 1:4)
c. Building Height (max.)	32 ft
d. Dwelling Unit Size (min.)*	Single-Family: 720 sq ft (ground floor area); Two-Family or Multi-Family: 720 sq ft per family. *Exclusive of any attached garage, open porch, accessory building, or other attached structure)

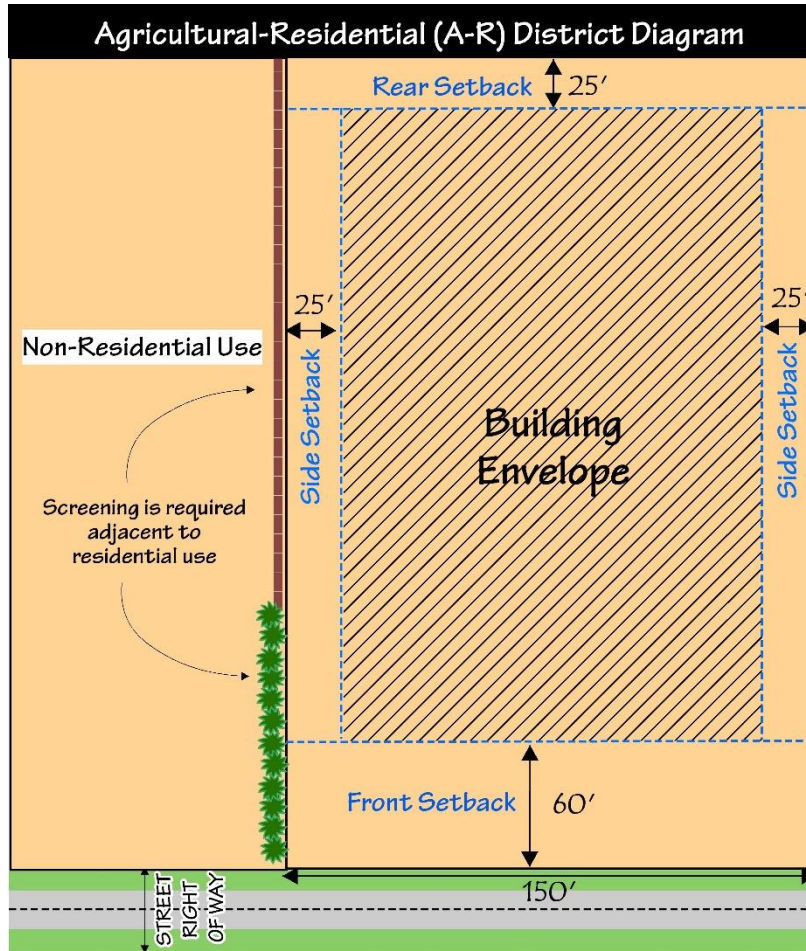
**2. Setbacks (Figure 4.07)**

a. Front (min.)	60 ft The restriction of any building or structure within the front yard setback does not include such items as flag poles, TV antennas, fences, mailboxes, signs, ornamental decorations, and other similar type items.
b. Side (min.)	25 ft
c. Rear (min.)	25 ft

**3. Additional Development Standards**

a. Accessory Buildings	See <a href="#">§3.09</a>
b. Fences	See <a href="#">§3.17</a>
c. Screening	Screening is required per <a href="#">§3.18</a> for non-residential use abutting a residential use
d. Signs	See <a href="#">§3.27</a>
e. Limitations on Use	No yard shall be used for storage, keeping, or abandonment of junk or scrap materials, nor the dismantling, demolition, or abandonment of used automobiles or other vehicles or machinery or parts thereof.
f. Public Utility Buildings	<a href="#">Subsections C.1.a</a> and <a href="#">C.1.b</a> do not apply to public utility buildings with storage yards.
g. Commercial Uses	Commercial Uses within the A, A-R, and F-R Districts shall be located along a primary road

Figure 4.07



<b>1</b> Purpose & Authority	<b>2</b> Definitions	<b>3</b> General Provisions	<b>4</b> District Regulations	<b>5</b> Site Plans & 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



Hawes Township Zoning Ordinance

Section 4.08 A: Agricultural District

A

A. Purpose.

While land uses in this district are primarily agricultural in character, the provisions recognize the possible residential expansion taking place in this District and the desirability of instituting a good standard to guide the use of property for developments similar to those provided in Residential Districts (R) and generally recognized as compatible with agricultural uses. Limited commercial and recreational uses are also compatible.

B. Uses Allowed.

Permitted and Special Uses shall be limited to those listed in the tables below (also in [Section 4.13: Full Table of Permitted and Special Uses](#)) and shall be subject to all applicable provisions of [Article 5: Site Plans 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	A
Accommodation & Food/Event Services	
Bakeries & Confectioneries	S
Bars/Taverns	S
Bed & Breakfasts & Tourist Homes	P
Cabin Courts (or Cabin Complex)	P
Coffee Shops	S
Commercial Event Facilities - §7.16	S*
Food Trucks (or other similar temporary use) - §7.17 <i>(In A, A-R, and F-R Districts, food trucks shall be operated only on lots which contain an existing business)</i>	S*
Hotels & Motels	P
Inns	S
Microbreweries & Distilleries (serving directly to the public)	S
Resorts	P
Restaurants (with or without drive-through/drive-in)	S
Rooming Houses/Boarding Houses	P
Short Term Rental Homes - §7.18	P*
Wineries, Distilleries & Cider Mills (including accessory uses such as tasting rooms)	P
Agriculture, Animal Services & Forest Products	
Agricultural Related Businesses including Sale & Service of Agricultural Machinery	P
Animal Sales Yards/Auctions for Livestock	P

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	A
Agriculture, Animal Services & Forest Products (continued)	
Animal Shelter/ Animal Rescue Facility	P
Agricultural Tourism Businesses (on Farms)	P
Biofuel Production Facilities on Farms - §7.11	PS*
Boarding Stables; Riding Arenas	P
Farming	P
Farm Market/Roadside stand (on property controlled by the affiliated farm)	P
Farm Product Sales (Fruit/Vegetable Market) – not affiliated with a specific farm	P
Game Preserves/Hunting Preserves	P
Grain Elevators	P
Greenhouse; Plant Nursery; Landscaping Establishments	P
Kennels, Dog	S
Veterinary Clinic/Animal Hospital (with or without outdoor animal area)	P
Arts, Entertainment & Recreation	
Art Galleries & Art Studios	P
Billiards Halls & Bowling Centers	S
Country Clubs	P
Equipment Rental, Motorized	P
Equipment Rental, Non-Motorized (Outfitter)	P
Golf Courses	P
Golf Driving Ranges	P

<b>1</b> Purpose & Authority	<b>2</b> Definitions	<b>3</b> General Provisions	<b>4</b> District Regulations	<b>5</b> Site Plans & 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

**Hawes Township Zoning Ordinance**

<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 (continued)</b>	
Historic Sites (open to the public)	<b>P</b>
Hunting & Fishing Cabins (require zoning permit – same process as single-family residential)	<b>P</b>
Museums (public)	<b>P</b>
Nature Parks/Nature Areas	<b>P</b>
Outdoor Commercial Recreational Facility (ex – amusement parks, go-karts; miniature golf; disc golf; drive-in theaters)	<b>S</b>
Public Parks & Playgrounds	<b>P</b>
Race Tracks	<b>S</b>
Recreational Centers, Indoor (ex: ice rink)	<b>P</b>
Theaters/Performing Arts Facilities	<b>P</b>
Wildlife Preserves	<b>P</b>
<b>Commercial, Services &amp; Retail</b>	
Seasonal Sales/Transient Sales	<b>P</b>
<b>Communications</b>	
Wireless Communications Facilities which include Support Structures 100' high & greater; Ground-Mounted Wireless Communications Facilities; Small Cell Wireless Facilities) - <b>§7.06</b>	<b>S*</b>
Wireless Communications Support Structures (towers) under 100 feet - <b>§7.06</b>	<b>P*</b>
<b>Educational Services &amp; Religion</b>	
Religious Institutions & Customary Accessory Uses	<b>P</b>
Schools & other Educational Buildings	<b>P</b>
<b>Human Care &amp; Social Assistance</b>	
Adult Day Care Facility (in home)	<b>S</b>
Adult Foster Care Family Homes (6 or less)	<b>P</b>
Adult Foster Care Small Group Home (7-12)	<b>S</b>
Adult Foster Care Large Group Home (13-20)	<b>S</b>
Adult Foster Care Congregate Facilities (over 20)	<b>S</b>
Assisted Living Home/Nursing Home/Convalescent Home	<b>S</b>
Child Care Home, Family (6 or less)	<b>P</b>
Child Care Home, Group (7 -12) - <b>§7.03</b>	<b>S*</b>
Child Care Center /Nursery School (not in home)	<b>S</b>
Child Caring Institution	<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>	
Mining/Resource Extraction (incl sand, gravel, rock and mineral extraction)- <b>§7.15</b>	<b>S*</b>
<b>Miscellaneous</b>	
Accessory Buildings & Uses Incidental to Main Uses - <b>§3.09</b>	<b>P*</b>
Cemeteries including Columbaria & Mausoleums (human or pet)	<b>S</b>
Planned Unit Developments - <b>§7.13</b>	<b>S*</b>
Platted Subdivisions	<b>S</b>
Site Condominium Development - <b>§7.14</b>	<b>S*</b>
<b>Public Facilities</b>	
Community Buildings	<b>P</b>
Government Offices (including service buildings & structures)	<b>S</b>
Police/Fire Stations	<b>P</b>
<b>Residential Uses</b>	
Accessory Dwelling Units/Guest Houses - <b>§7.04</b>	<b>P*</b>
Home Occupations - <b>§7.02</b>	<b>P*</b>
Cottage Industries - <b>§7.02</b>	<b>S*</b>
Manufactured Housing Community (with accessory uses such as laundry facilities, office building, & community building) - <b>§7.05</b>	<b>S*</b>
Multiple-Family Dwelling Units	<b>S</b>
Single-Family Detached Dwelling	<b>P</b>
Single-Family Attached Dwelling (Townhouses; Condominiums)	<b>S</b>
Two-Family Dwelling (duplex)	<b>S</b>
<b>Transportation &amp; Storage</b>	
Aviation Landing Fields including platforms, hangers, masts and other facilities, Aviation Support Services, Heliports	<b>S</b>
<b>Utilities &amp; Energy</b>	
Public Utility Facilities (with or without storage yards)	<b>S</b>
Solar Energy Facility (Utility-Scale) - <b>§7.10</b>	<b>S*</b>
Solar Energy Panels (Accessory) - <b>§7.09</b>	<b>P*</b>
Utility Transformer Stations & Substations	<b>S</b>
Wind Energy Systems & Anemometer Towers (Utility-Scale/ Commercial) - <b>§7.08</b>	<b>S*</b>
Wind Energy Systems (On-Site) - <b>§7.08</b>	<b>S*</b>

C. Agricultural District (A) Development Standards.

1. Lot & Structure Standards

a. Lot Area (min)	20 acres
b. Lot Width (min.)	466 ft (lot shall not exceed the width/length ratio of 1:4)
c. Building Height (max.)	32 ft
d. Dwelling Unit Size (min.)*	Single-Family: 720 sq ft (ground floor area); Two-Family or Multi-Family: 720 sq ft per family *Exclusive of any attached garage, open porch, accessory building, or other attached structure)

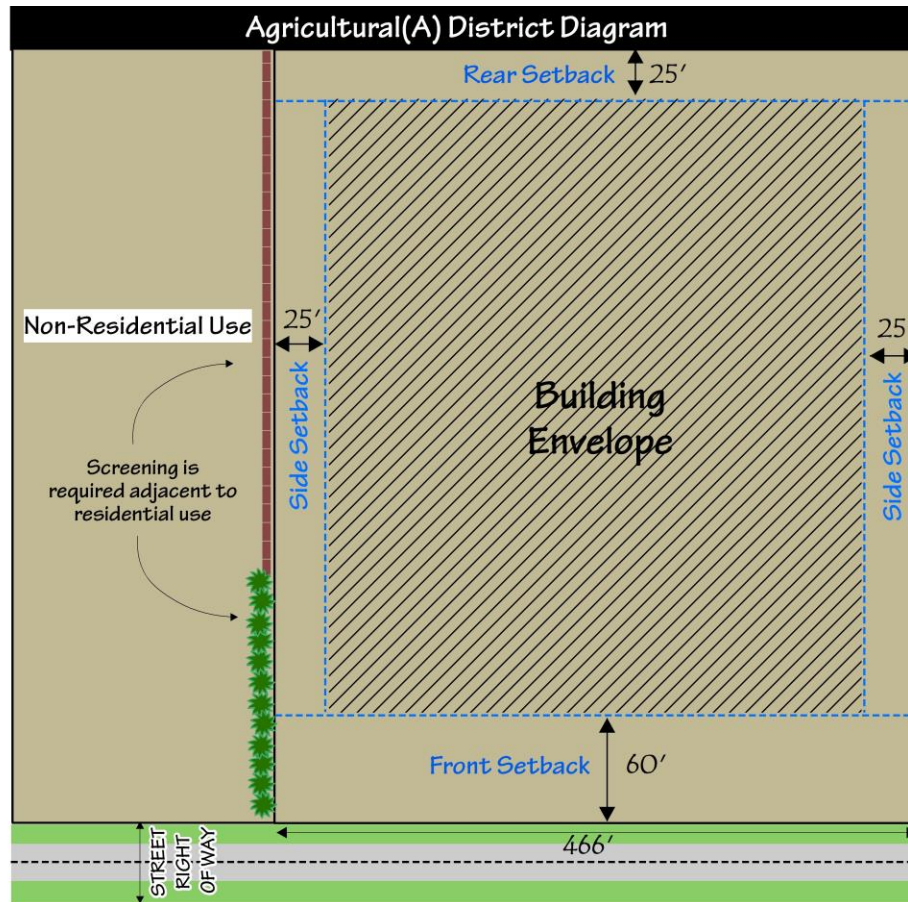
2. Setbacks (Figure 4.08)

a. Front (min.)	60 ft The restriction of any building or structure within the front yard setback does not include such items as flag poles, TV antennas, fences, mailboxes, signs, ornamental decorations, and other similar type items.
b. Side (min.)	25 ft
c. Rear (min.)	25 ft

3. Additional Development Standards

a. Accessory Buildings	See §3.09
b. Fences	See §3.17
c. Screening	Screening is required per §3.18 for non-residential use abutting a residential use
d. Signs	See §3.27
e. Limitations on Use	No yard shall be used for storage, keeping, or abandonment of junk or scrap materials, nor the dismantling, demolition, or abandonment of used automobiles or other vehicles or machinery or parts thereof.
f. Public Utility Buildings	Subsections C.1.a and C.1.b do not apply to public utility buildings with storage yards.
h. Commercial Uses	Commercial Uses within the A, A-R, and F-R Districts shall be located along a primary road

Figure 4.08



Hawes Township Zoning Ordinance

Section 4.09 F-R: Forest Recreational District

F-R

A. Purpose.

This district is intended to promote the proper use, enjoyment, and conservation of the water, land, topographic, and forest land resources of the Township particularly adapted, in general, to recreational and forest uses. Residential, limited commercial uses, and recreational uses are also compatible.

B. Uses Allowed.

Permitted and Special Uses shall be limited to those listed in the tables below (also in [Section 4.13: Full Table of Permitted and Special Uses](#)) and shall be subject to all applicable provisions of [Article 5: Site Plans 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	F-R
<i>S</i> = Permitted with a Special Use Permit	
*supplemental development regulations	
Accommodation & Food/Event Services	
Bakeries & Confectioneries	S
Bars/Taverns	S
Bed & Breakfasts & Tourist Homes	P
Cabin Courts (or Cabin Complex)	P
Coffee Shops	S
Commercial Event Facilities - §7.16	S*
Food Trucks (or other similar temporary use) - §7.17 (In A, A-R, and F-R Districts, food trucks shall be operated only on lots which contain an existing business)	S*
Hotels & Motels	P
Inns	S
Microbreweries & Distilleries (serving directly to the public)	S
Resorts	P
Restaurants (with or without drive-through/drive-in)	S
Rooming Houses/Boarding Houses	P
Short Term Rental Homes - §7.18	P*
Wineries, Distilleries & Cider Mills (including accessory uses such as tasting rooms)	P
Agriculture, Animal Services & Forest Products	
Agricultural Related Businesses including Sale & Service of Agricultural Machinery	P
Boarding Stables; Riding Arenas	P
Farm Product Sales (Fruit/Vegetable Market) – not affiliated with a specific farm	P

TABLE OF PERMITTED USES & SPECIAL USES	
<i>P</i> = Permitted by right	F-R
<i>S</i> = Permitted with a Special Use Permit	
*supplemental development regulations	
Agriculture, Animal Services & Forest Products (continued)	
Firewood Sales (Large Scale) (does not include small bundles of firewood)	S
Forest Products Processing (Saw Mills, Veneer Mills, Planing Mills & related operations)	S
Game Preserves/Hunting Preserves	P
Greenhouse; Plant Nursery; Landscaping Establishments	P
Kennels, Dog	S
Veterinary Clinic/Animal Hospital (with or without outdoor animal area)	P
Arts, Entertainment & Recreation	
Archery Ranges (& as accessory use), Outdoor	P
Archery Ranges (& as accessory use), Indoor	P
Art Galleries & Art Studios	P
Billiards Halls & Bowling Centers	S
Campgrounds	P
Camps – private outdoor recreational camps (i.e. Summer Camps)	S
Canoe/Kayak Liveries	P
Country Clubs	P
Equipment Rental, Motorized	P
Equipment Rental, Non-Motorized (Outfitter)	P
Golf Courses	P
Golf Driving Ranges	P
Historic Sites (open to the public)	P

<b>1</b> Purpose & Authority	<b>2</b> Definitions	<b>3</b> General Provisions	<b>4</b> District Regulations	<b>5</b> Site Plans & Plot Plans
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Hawes Township Zoning Ordinance

TABLE OF PERMITTED USES & SPECIAL USES	
<b>P</b> = Permitted by right <b>S</b> = Permitted with a Special Use Permit *supplemental development regulations	<b>F-R</b>
Arts, Entertainment & Recreation	
Hunting & Fishing Cabins (require zoning permit – same process as single-family residential)	<b>P</b>
Museums (public)	<b>P</b>
Nature Parks/Nature Areas	<b>P</b>
Outdoor Performance Facilities	<b>S</b>
Outdoor Commercial Recreational Facility (ex – amusement parks, go-karts; miniature golf; disc golf; drive-in theaters)	<b>S</b>
Public Parks & Playgrounds	<b>P</b>
Race Tracks	<b>S</b>
Recreational Centers, Indoor (ex: ice rink)	<b>P</b>
RV Parks	<b>P</b>
Shooting (Firearms) Ranges/Sportsmen’s Association	<b>S</b>
Theaters/Performing Arts Facilities	<b>P</b>
Wildlife Preserves	<b>P</b>
Commercial, Services & Retail	
Seasonal Sales/Transient Sales	<b>P</b>
Taxidermy Shops	<b>P</b>
Communications	
Wireless Communications Facilities which include Support Structures 100’ high & greater; Ground-Mounted Wireless Communications Facilities; Small Cell Wireless Facilities) - <b>§7.06</b>	<b>S*</b>
Wireless Communications Support Structures (towers) under 100 feet - <b>§7.06</b>	<b>P*</b>
Educational Services & Religion	
Religious Institutions & Customary Accessory Uses	<b>S</b>
Human Care & Social Assistance	
Adult Day Care Facility (in home)	<b>S</b>
Adult Foster Care Family Homes (6 or less)	<b>P</b>
Adult Foster Care Small Group Home (7-12)	<b>S</b>
Adult Foster Care Large Group Home (13-20)	<b>S</b>
Adult Foster Care Congregate Facilities (over 20)	<b>S</b>
Assisted Living Home/Nursing Home/Convalescent Home	<b>S</b>
Child Care Home, Family (6 or less)	<b>P</b>
Child Care Home, Group (7 -12) - <b>§7.03</b>	<b>S*</b>
Child Care Center /Nursery School (not in home)	<b>S</b>
Child Caring Institution	<b>S</b>
State-Licensed Residential Facilities (Adult Foster Care 6 or less)	<b>P</b>

TABLE OF PERMITTED USES & SPECIAL USES	
<b>P</b> = Permitted by right <b>S</b> = Permitted with a Special Use Permit *supplemental development regulations	<b>F-R</b>
Manufacturing, Industrial & Waste Management	
Mining/Resource Extraction (incl sand, gravel, rock and mineral extraction) - <b>§7.15</b>	<b>S*</b>
Miscellaneous	
Accessory Buildings & Uses Incidental to Main Uses - <b>§3.09</b>	<b>P*</b>
Planned Unit Developments - <b>§7.13</b>	<b>S*</b>
Platted Subdivisions	<b>S</b>
Site Condominium Development - <b>§7.14</b>	<b>S*</b>
Public Facilities	
Community Buildings	<b>P</b>
Police/Fire Stations	<b>P</b>
Residential Uses	
Accessory Dwelling Units/Guest Houses - <b>§7.04</b>	<b>P*</b>
Dwelling Units in conjunction with a Commercial Establishment (in districts only where specified commercial uses are allowed)	<b>S</b>
Home Occupations - <b>§7.02</b>	<b>P*</b>
Cottage Industries - <b>§7.02</b>	<b>S*</b>
Single-Family Detached Dwelling	<b>P</b>
Single-Family Attached Dwelling (Townhouses; Condominiums)	<b>S</b>
Two-Family Dwelling (duplex)	<b>S</b>
Transportation & Storage	
Aviation Landing Fields including platforms, hangers, masts & other facilities, Aviation Support Services, Heliports	<b>S</b>
Utilities & Energy	
Public Utility Facilities (with or without storage yards)	<b>S</b>
Solar Energy Facility (Utility-Scale) - <b>§7.10</b>	<b>S*</b>
Solar Energy Panels (Accessory) - <b>§7.09</b>	<b>P*</b>
Utility Transformer Stations & Substations	<b>S</b>
Wind Energy Systems & Anemometer Towers (Utility-Scale/ Commercial) - <b>§7.08</b>	<b>S*</b>
Wind Energy Systems (On-Site) - <b>§7.08</b>	<b>S*</b>

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

**C. Forest Recreational District (F-R) Development Standards.**

**1. Lot & Structure Standards**

a. Lot Area (min)	10 acres
b. Lot Width (min.)	330 ft (lot shall not exceed the width/length ratio of 1:4)
c. Building Height (max.)	32 ft
d. Dwelling Unit Size (min.)*	Single-Family: 720 sq ft (ground floor area); Two-Family or Multi-Family: 720 sq ft per family *Exclusive of any attached garage, open porch, accessory building, or other attached structure)

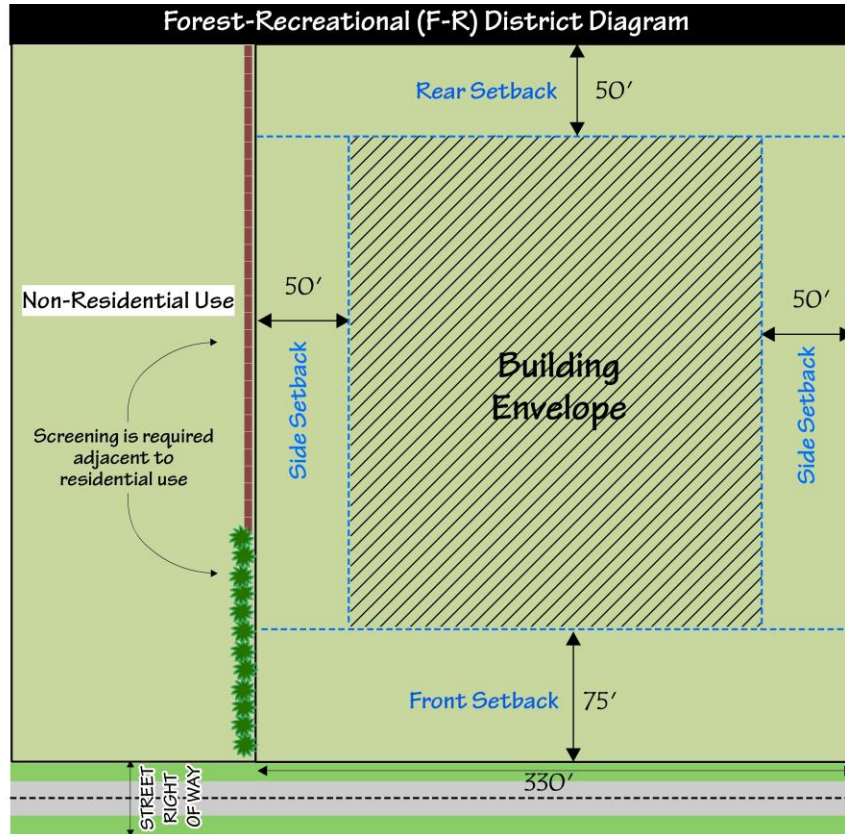
**2. Setbacks (Figure 4.09)**

a. Front (min.)	75 ft The restriction of any building or structure within the front yard setback does not include such items as flag poles, TV antennas, fences, mailboxes, signs, ornamental decorations, and other similar type items.
b. Side (min.)	50 ft
c. Rear (min.)	50 ft

**3. Additional Development Standards**

a. Accessory Buildings	See <a href="#">§3.09</a>
b. Fences	See <a href="#">§3.17</a>
c. Screening	Screening is required per <a href="#">§3.18</a> for non-residential use abutting a residential use
d. Signs	See <a href="#">§3.27</a>
e. Limitations on Use	No yard shall be used for storage, keeping, or abandonment of junk or scrap materials, nor the dismantling, demolition, or abandonment of used automobiles or other vehicles or machinery or parts thereof.
i. Commercial Uses	Commercial Uses within the A, A-R, and F-R Districts shall be located along a primary road

Figure 4.09





Hawes Township Zoning Ordinance

Section 4.10 C - Commercial District

C

A. Purpose.

The primary purpose of Commercial District (C) is to provide areas for commercial and business activities generally compatible with each other and to provide areas for personal and other services commonly associated with commercial districts.

B. Uses Allowed.

Permitted and Special Uses shall be limited to those listed in the tables below (also in [Section 4.13: Full Table of Permitted and Special Uses](#)) and shall be subject to all applicable provisions of [Article 5: Site Plans 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>C</b>
Accommodation & Food/Event Services	
Bakeries & Confectioneries	<b>P</b>
Bars/Taverns	<b>P</b>
Bed & Breakfasts & Tourist Homes	<b>P</b>
Cabin Courts (or Cabin Complex)	<b>P</b>
Caterers/Food Service Contractors	<b>P</b>
Coffee Shops	<b>P</b>
Commercial Event Facilities - <a href="#">§7.16</a>	<b>P*</b>
Food Trucks (or other similar temporary use) - <a href="#">§7.17</a>	<b>P*</b>
Hotels & Motels	<b>P</b>
Inns	<b>P</b>
Microbreweries & Distilleries (serving directly to the public)	<b>P</b>
Resorts	<b>P</b>
Restaurants (without drive-through/drive-in)	<b>P</b>
Restaurants (with drive-through/drive-in)	<b>P</b>
Rooming Houses/Boarding Houses	<b>P</b>
Wineries, Distilleries & Cider Mills (including accessory uses such as tasting rooms)	<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>C</b>
Agriculture, Animal Services & Forest Products	
Agricultural Related Businesses including Sale & Service of Agricultural Machinery	<b>P</b>
Farm Product Sales (Fruit/Vegetable Market) – not affiliated with a specific farm	<b>P</b>
Greenhouse; Plant Nursery; Landscaping Establishments	<b>P</b>
Veterinary Clinic/Animal Hospital (with or without outdoor animal area)	<b>P</b>
Arts, Entertainment & Recreation	
Amusement Arcades & Similar Indoor Recreation	<b>P</b>
Archery Ranges (& as accessory use), Indoor	<b>P</b>
Art Galleries & Art Studios	<b>P</b>
Bike Shops	<b>P</b>
Billiards Halls & Bowling Centers	<b>P</b>
Campgrounds	<b>P</b>
Canoe/Kayak Liveries	<b>P</b>
Clubs, Private; Lodges; Fraternal Organizations	<b>P</b>
Clubs for Swimming & Court Games	<b>P</b>
Equipment Rental, Motorized	<b>P</b>
Equipment Rental, Non-Motorized (Outfitter)	<b>P</b>
Historic Sites (open to the public)	<b>P</b>
Marinas	<b>P</b>
Museums (public)	<b>P</b>

Hawes Township Zoning Ordinance

TABLE OF PERMITTED USES & SPECIAL USES	
<b>P</b> = Permitted by right <b>S</b> = Permitted with a Special Use Permit *supplemental development regulations	<b>C</b>
Arts, Entertainment & Recreation (continued)	
Nature Parks/Nature Areas	<b>P</b>
Outdoor Performance Facilities	<b>S</b>
Outdoor Commercial Recreational Facility (ex – amusement parks, go-karts; miniature golf; disc golf; drive-in theaters)	<b>S</b>
Public Parks & Playgrounds	<b>P</b>
Recreational Centers, Indoor (ex: ice rink)	<b>P</b>
RV Parks	<b>P</b>
Theaters/Performing Arts Facilities	<b>P</b>
Tours (Commercial Operations)	<b>P</b>
Commercial, Services & Retail	
Automotive Tire Sales & Installation	<b>S</b>
Automotive Oil Change	<b>S</b>
Auto Repair; Auto Body/Paint/Interior & Glass	<b>S</b>
Automobile Towing Businesses	<b>S</b>
Banks/Financial Institutions	<b>P</b>
Boat/RV/Recreational Equipment Repair & Storage	<b>S</b>
Building & Garden Equipment & Supplies Dealers	<b>S</b>
Business Incubator (Food Incubator listed under Manufacturing)	<b>P</b>
Business Services	<b>P</b>
Car Washes	<b>S</b>
Cash Advance Stores	<b>P</b>
Cleaning Services	<b>P</b>
Commercial Equipment Repair & Maintenance	<b>P</b>
Crematoriums	<b>S</b>
Electronic & Precision Equipment Repair & Maintenance	<b>P</b>
Equipment Rental & Sales/General Rental Center	<b>P</b>
Extermination & Pest Control Services	<b>S</b>
Flea Market	<b>P</b>
Funeral Homes & Mortuaries	<b>P</b>
Furniture Refinishing (Upholsterers)/Furniture Repair	<b>P</b>
Gas Stations	<b>S</b>
Health Spa	<b>P</b>

TABLE OF PERMITTED USES & SPECIAL USES	
<b>P</b> = Permitted by right <b>S</b> = Permitted with a Special Use Permit *supplemental development regulations	<b>C</b>
Commercial, Services & Retail (continued)	
Interior Designers/Showrooms	<b>P</b>
Laundromats & Dry Cleaning & Services	<b>P</b>
Locksmiths	<b>P</b>
Lumber Yards (pre-planned, finished lumber)/Building Material Sales	<b>S</b>
Manufactured Home Dealers	<b>S</b>
Medical Laboratories	<b>S</b>
Movie Rental Stores	<b>P</b>
Offices, Professional	<b>P</b>
Office Developments	<b>P</b>
Outdoor Sales/Rental of automobiles, trucks, motorcycles, ATVs, marine craft, farm implements, contractor's equipment, recreational equipment	<b>P</b>
Pawn Shops	<b>P</b>
Personal Services (barber/beauty shops, tailoring, massage therapy, shoe repair)	<b>P</b>
Photofinishing/Photographers	<b>P</b>
Printing/Binding/Publishing of Print Material	<b>P</b>
Retail Sales (when conducted within a completely enclosed building)	<b>P</b>
Seasonal Sales/Transient Sales	<b>P</b>
Sexually Oriented Businesses - §7.07	<b>S*</b>
Show Rooms	<b>P</b>
Small Engine Repair	<b>P</b>
Small-Scale Craft Making	<b>P</b>
Studios for Dance, Physical Exercise & Music	<b>P</b>
Taxidermy Shops	<b>P</b>
Wholesale Businesses	<b>S</b>
Communications	
Television/Radio Broadcasting Stations (with tower) - §7.06	<b>S*</b>
Wireless Communications Support Structures (towers) under 100 feet - §7.06	<b>P*</b>
Construction & Contractors	
Special Trade Contractors Offices & Showrooms – no outdoor storage (construction, electrical, plumbing, heating, excavation, well-drilling, etc)	<b>P</b>
Special Trade Contractors Offices & Showrooms w/ outdoor storage of materials & contractor's equipment (construction, electrical, plumbing, heating, excavation, well-drilling, etc)	<b>S</b>

<b>1</b> Purpose & Authority	<b>2</b> Definitions	<b>3</b> General Provisions	<b>4</b> District Regulations	<b>5</b> Site Plans & Plot Plans
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Hawes Township Zoning Ordinance

<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>
<b>Educational Services &amp; Religion</b>	
Colleges, Institutions of Specialized Learning & Trade Schools	<b>S</b>
Religious Institutions & Customary Accessory Uses	<b>P</b>
<b>Human Care &amp; Social Assistance</b>	
Adult Day Care Facility (not in home)	<b>S</b>
Adult Foster Care Small Group Home (7-12 adults)	<b>S</b>
Adult Foster Care Large Group Home (13-20 adults)	<b>S</b>
Adult Foster Care Congregate Facilities (over 20 adults)	<b>S</b>
Assisted Living Home/Nursing Home/Convalescent Home	<b>S</b>
Child Care Center /Nursery School (not in home)	<b>S</b>
Child Caring Institution	<b>S</b>
Health Care/Dental Clinics/Opticians	<b>P</b>
Hospitals/ Sanitariums	<b>S</b>
Institutions of Philanthropic & Charitable Nature	<b>P</b>
Rehabilitation Institutions	<b>S</b>
Residential Human Care & Treatment Facility (not in a private residence)	<b>S</b>
<b>Manufacturing, Industrial &amp; Waste Management</b>	
Mining/Resource Extraction (incl sand, gravel, rock and mineral extraction) - §7.15	<b>S*</b>
Printing, Lithographic & Blueprinting	<b>P</b>
<b>Miscellaneous</b>	
Accessory Buildings & Uses Incidental to Main Uses - §3.09	<b>P*</b>
Planned Unit Developments - §7.13	<b>S*</b>
<b>Public Facilities</b>	
Community Buildings	<b>P</b>
Government Offices (including service buildings and structures)	<b>P</b>
Libraries	<b>P</b>
Other Publicly-Owned & Civic Buildings	<b>P</b>
Police/Fire Stations	<b>P</b>
Post Office	<b>P</b>
<b>Residential Uses</b>	
Dwelling Units in conjunction with a Commercial Establishment (in districts only where specified commercial uses are allowed)	<b>S</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>
<b>Transportation &amp; Storage</b>	
Bus Garages & Other Ground Passenger Transportation	<b>S</b>
Charter Boat Operations	<b>S</b>
Self-Storage Facilities/Mini-Storage/Commercial Storage Facility	<b>P</b>
Warehousing & Storage	<b>S</b>
<b>Utilities &amp; Energy</b>	
Propane Distributor/Propane Supply Facilities/Other Fuel Sales & Storage	<b>S</b>
Public Utility Facilities (without storage yards)	<b>P</b>
Solar Energy Panels (Accessory) - §7.09	<b>P*</b>
Utility Transformer Stations & Substations	<b>S</b>
Wind Energy Systems (On-Site) - §7.08	<b>S*</b>

<b>1</b> Purpose & Authority	<b>2</b> Definitions	<b>3</b> General Provisions	<b>4</b> District Regulations	<b>5</b> Site Plans & 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. Commercial District (C) Development Standards.

**1. Lot & Structure Standards**

a. Lot Area (min)	12,000 sq ft
b. Lot Width (min.)	100 ft (lot shall not exceed the width/length ratio of 1:4)
c. Building Height (max.)	32 ft

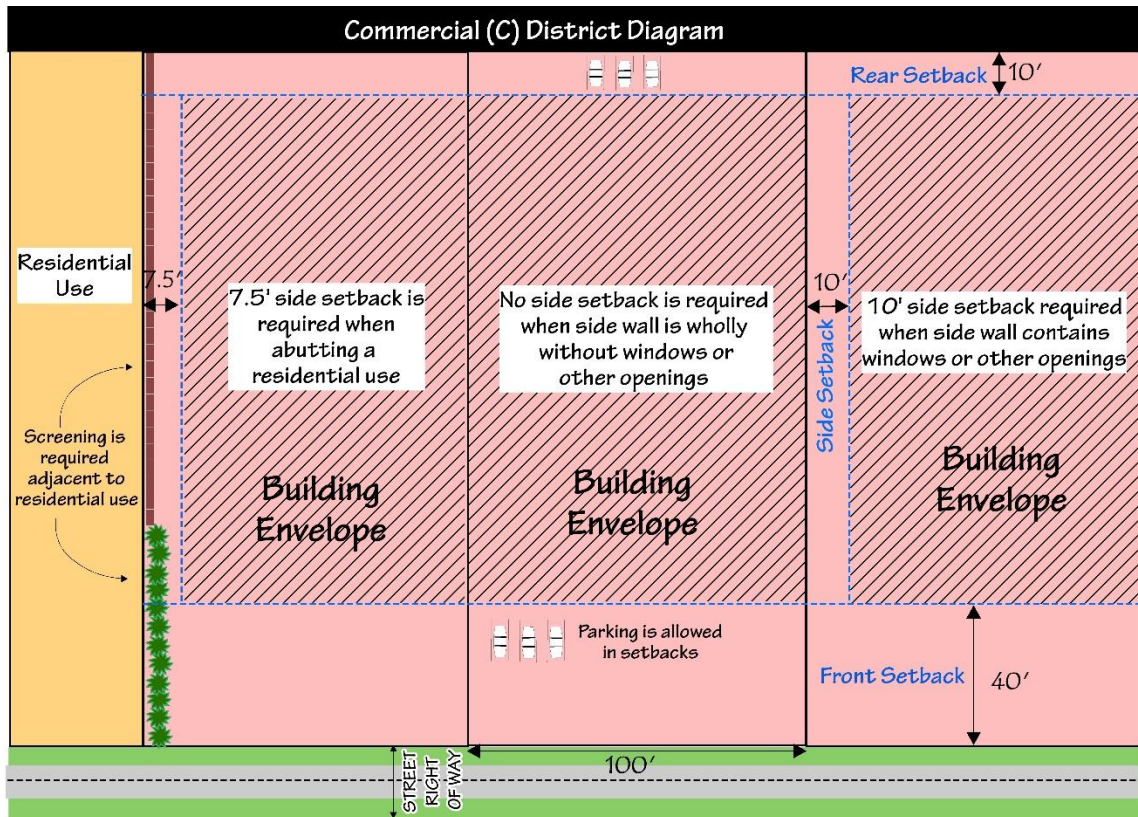
**2. Setbacks (Figure 4.10)**

a. Front (min.)	40 ft The restriction of any building or structure within the front yard setback does not include such items as flag poles, TV antennas, fences, mailboxes, signs, ornamental decorations, and other similar type items.
b. Side (min.)	<ol style="list-style-type: none"> <li>Side yards shall not be required along interior side of lot lines, if all walls abutting or facing such lot lines are of fire-proof masonry construction and wholly without windows or other openings</li> <li>Side yards of not less than 10 ft shall be provided when any wall facing such sidelines contain windows or other openings.</li> <li>Streetside setback shall be 10 ft</li> <li>A side yard of not less than 7 ½ ft shall be provided on any lot or premises abutting a Residential District or any premises occupied by a dwelling.</li> </ol>
c. Rear (min.)	10 ft Rear yard shall be kept open and free at all times from obstructions for ingress and egress of firefighting facilities and public utilities.

**3. Additional Development Standards**

f. Accessory Buildings	See <a href="#">§3.09</a>
g. Fences	See <a href="#">§3.17</a>
h. Screening	Screening is required per <a href="#">§3.18</a> for non-residential use abutting a residential use
i. Signs	See <a href="#">§3.27</a>
a. Limitations on Use	No yard shall be used for storage, keeping, or abandonment of junk or scrap materials, nor the dismantling, demolition, or abandonment of used automobiles or other vehicles or machinery or parts thereof.

Figure 4.10



<b>1</b> Purpose & Authority	<b>2</b> Definitions	<b>3</b> General Provisions	<b>4</b> District Regulations	<b>5</b> Site Plans & Plot Plans
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Hawes Township Zoning Ordinance

**Section 4.11 ID – Industrial-Development District**

**I-D**

**A. Purpose.**

The primary purpose of this district is to provide areas for the encouragement and conduct of selected industries, for processing selected raw and semi-furnished materials, for storage of industrial products, and for wholesale office and employee facilities customarily associated with any permitted use.

**B. Uses Allowed.**

Permitted and Special Uses shall be limited to those listed in the tables below (also in [Section 4.13: Full Table of Permitted and Special Uses](#)) and shall be subject to all applicable provisions of [Article 5: Site Plans 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>	<b>I-D</b>
<i>S = Permitted with a Special Use Permit</i>	
<i>*supplemental development regulations</i>	
Accommodation & Food/Event Services	
Food Trucks (or other similar temporary use) - <a href="#">§7.17</a>	<b>P*</b>
Agriculture, Animal Services & Forest Products	
Agricultural Related Businesses including Sale & Service of Agricultural Machinery	<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)	<b>P</b>
Slaughter Houses	<b>P</b>
Commercial, Services & Retail	
Business Incubator (Food Incubator listed under Manufacturing)	<b>P</b>
Cleaning Services	<b>P</b>
Commercial Equipment Repair & Maintenance	<b>P</b>
Crematoriums	<b>S</b>
Electronic & Precision Equipment Repair & Maintenance	<b>P</b>
Extermination & Pest Control Services	<b>P</b>
Lumber Yards (pre-planed, finished lumber)/Building Material Sales	<b>P</b>
Manufactured Home Dealers	<b>P</b>
Medical Laboratories	<b>S</b>
Recording Studios/Film Production Facilities including sound stages and other related activities	<b>P</b>
Small Engine Repair	<b>P</b>

TABLE OF PERMITTED USES & SPECIAL USES	
<i>P = Permitted by right</i>	<b>I-D</b>
<i>S = Permitted with a Special Use Permit</i>	
<i>*supplemental development regulations</i>	
Commercial, Services & Retail (continued)	
Small-Scale Craft Making	<b>P</b>
Wholesale Businesses	<b>P</b>
Communications	
Television/Radio Broadcasting Stations (with tower) - <a href="#">§7.06</a>	<b>S*</b>
Wireless Communications Facilities which include Support Structures 100' high & greater; Ground-Mounted Wireless Communications Facilities; Small Cell Wireless Facilities) - <a href="#">§7.06</a>	<b>S*</b>
Wireless Communications Support Structures (towers) under 100 feet - <a href="#">§7.06</a>	<b>P*</b>
Construction & Contractors	
Special Trade Contractors Offices & Showrooms – no outdoor storage (construction, electrical, plumbing, heating, excavation, well-drilling, etc)	<b>P</b>
Special Trade Contractors Offices & Showrooms w/ outdoor storage of materials & contractor's equipment (construction, electrical, plumbing, heating, excavation, well-drilling, etc)	<b>P</b>

<b>1</b> Purpose & Authority	<b>2</b> Definitions	<b>3</b> General Provisions	<b>4</b> District Regulations	<b>5</b> Site Plans & Plot Plans
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TABLE OF PERMITTED USES & SPECIAL USES	
P = Permitted by right S = Permitted with a Special Use Permit *supplemental development regulations	I-D
Manufacturing, Industrial & Waste Management	
Manufacturing, Light – including the production, processing, cleaning, testing, repair, storage, and 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 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, &amp; vibration.</b>	P
Manufacturing, Heavy – including the production, processing, cleaning, testing, repair, storage, and 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 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, &amp; vibration.</b>	S
Accessory Uses incidental to Manufacturing (offices, foods services, caretaker buildings)	P
Blast Furnace, Steel Furnace, Blooming or Rolling Mill	S
Central Dry Cleaning Plants & Laundries (not dealing directly with customers)	S
Cold Storage Plants	P
Fertilizer, Liquid Nitrogen, & Anhydrous Ammonia Handling	S
Food Hub Facility/Food Incubator Facility	P
Gas & Oil Processing Facilities/Refinery	S
Incinerator Plant (non-pyrolysis)	S
Incinerator Plant (pyrolysis type)/Gasification	S
Industrial Parks (planned)	S
Junkyards/Salvage Yards/Scrap Yards/Motor Vehicle Impoundment & Wrecking Yards	S
Laboratories	P
Machine Shops	P
Metal Plating/Buffering/Polishing/Cutting/Slitting/Shearing	P
Mineral Processing Facilities & Operations	P
Mining/Resource Extraction (incl sand, gravel, rock & mineral extraction) - §7.15	S*
Petroleum Products, Gas Products, Paint & Chemical Bulk Storage & Distribution	S

TABLE OF PERMITTED USES & SPECIAL USES	
P = Permitted by right S = Permitted with a Special Use Permit *supplemental development regulations	I-D
Manufacturing, Industrial & Waste Management (continued)	
Petroleum Refinery	S
Printing, Lithographic & Blueprinting	P
Recycling Facilities/Resource Recovery Facilities/Transfer Stations/Waste Collection/Conversion of Waste Materials	P
Research/Design/Experimental Product Development (within a completely enclosed building)	P
Sign Painting	P
Smelting Industries	S
Tin Shops or Plumbing Supply Shops	P
Tool & Die Shops	P
Miscellaneous	
Accessory Buildings & Uses Incidental to Main Uses - §3.09	P*
Planned Unit Developments - §7.13	S*
Residential Uses	
Dwelling Units in conjunction with a Commercial Establishment (in districts only where specified commercial uses are allowed)	S
Transportation & Storage	
Bus Garages & Other Ground Passenger Transportation	P
Couriers/Parcel Packing/Shipping/ Delivery Establishments/Mail Order Establishments	P
Drone (Unmanned Aerial) Centers	P
Distribution Centers/Freight Terminals/Trucking Facilities/Shipping Facilities	P
Self-Storage Facilities/Mini-Storage/Commercial Storage Facility	P
Truck Repair	P
Truck Washes	P
Warehousing & Storage	P
Utilities & Energy	
Propane Distributor/Propane Supply Facilities/Other Fuel Sales & Storage	S
Public Utility Facilities (with or w/o storage yards)	P
Solar Energy Panels (Accessory) - §7.09	P*
Utility Transformer Stations & Substations	S
Wind Energy Systems & Anemometer Towers (Utility-Scale/ Commercial) - §7.08	S*
Wind Energy Systems (On-Site) - §7.08	S*

<b>1</b> Purpose & Authority	<b>2</b> Definitions	<b>3</b> General Provisions	<b>4</b> District Regulations	<b>5</b> Site Plans & Plot Plans
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Hawes Township Zoning Ordinance

C. Industrial Development District (I-D) Development Standards.

**1. Lot & Structure Standards**

a. Lot Area (min)	None
b. Lot Width (min.)	None
c. Building Height (max.)	32 ft

**2. Setbacks (Figure 4.11)**

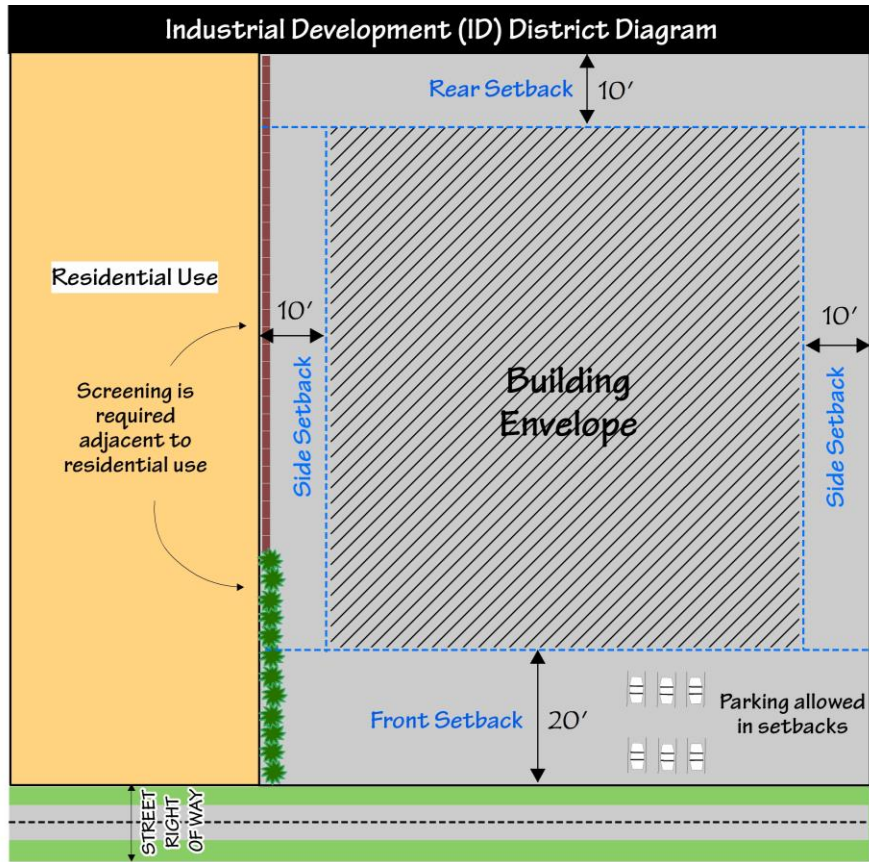
a. Front (min.)	20 ft The restriction of any building or structure within the front yard setback does not include such items as flag poles, TV antennas, fences, mailboxes, signs, ornamental decorations, and other similar type items.
b. Side (min.)	10 ft
c. Rear (min.)	10 ft Rear yard shall be kept open and free at all times from obstructions for ingress and egress of firefighting facilities and public utilities.

**3. Additional Development Standards**

a. Accessory Buildings	See <a href="#">§3.9</a>
b. Fences	See <a href="#">§3.17</a>
c. Screening	Every premise having a common boundary line with a district other than Industrial Development shall provide and maintain a screening evergreen hedge and/or approved fence or screen, the height of which shall be no less than 6 ft pursuant to <a href="#">§3.18</a>
d. Signs	See <a href="#">§3.27</a>
e. Limitations on Use	No yard shall be used for storage, keeping, or abandonment of junk or scrap materials, nor the dismantling, demolition, or abandonment of used automobiles or other vehicles or machinery or parts thereof.  No use shall constitute a nuisance to adjacent premises, nor defeat the purposes of this Ordinance as expressed by <a href="#">§1.03</a> .  No use shall discharge any product dust, odorous matter, noxious, corrosive or toxic fumes, physical vibrations, heat or glare, or intolerable noise beyond the premises on which located.
f. Parking	On-premises parking and loading space shall be provided for all owned or leased vehicles pursuant to <a href="#">§3.20</a> . Parking space no less in proportion than one (1) space for every three (3) employees shall be provided on the premises.



Figure 4.11



<b>1</b> Purpose & Authority	<b>2</b> Definitions	<b>3</b> General Provisions	<b>4</b> District Regulations	<b>5</b> Site Plans & Plot Plans
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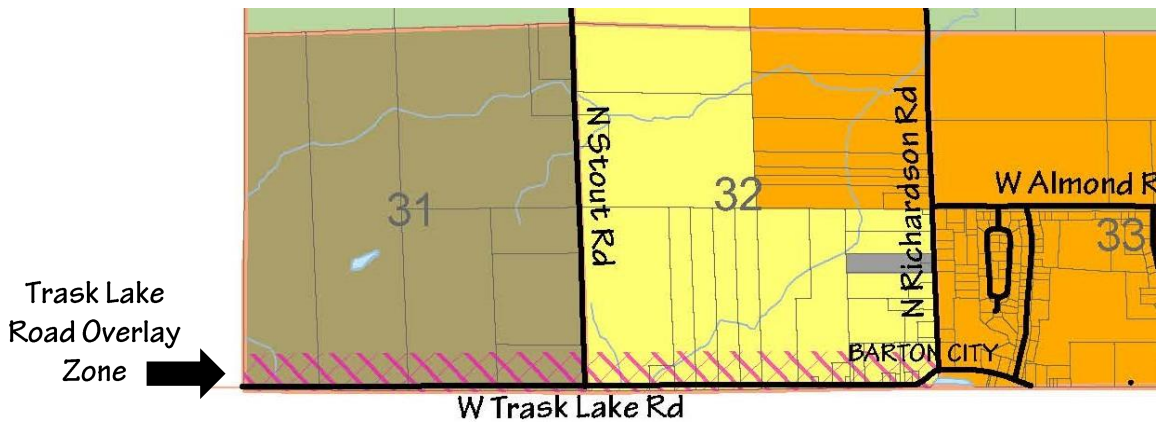
Hawes Township Zoning Ordinance

Section 4.12 Overlay Zones

A. Trask Lake Road Commercial Overlay Zone.

The Trask Lake Road Commercial Overlay Zone is located north of Trask Lake Road from Richardson Road west to the Hawes Township line, as shown on the Hawes Township Zoning Map, and allows for Commercial (C) District uses on parcels within the overlay zone in addition to the uses allowed in the underlying district. The Trask Lake Road Commercial Overlay Zone is five hundred (500') feet deep on the north side of the road as measured from the front property line, where indicated on the Zoning Map.

1. Uses which are listed as Permitted or Special Uses within the underlying district only shall adhere to the development standards for the underlying district and, if applicable, all supplemental standards in [Article 7](#).
2. Uses which are listed as Permitted or Special Uses within the Commercial District only shall adhere to the development standards of the Commercial District and, if applicable, all supplemental standards in [Article 7](#).
3. Uses which are listed as Permitted or Special Uses within both the underlying district and the Commercial District shall adhere to the least restrictive district development standards and, if applicable, all supplemental standards in [Article 7](#).



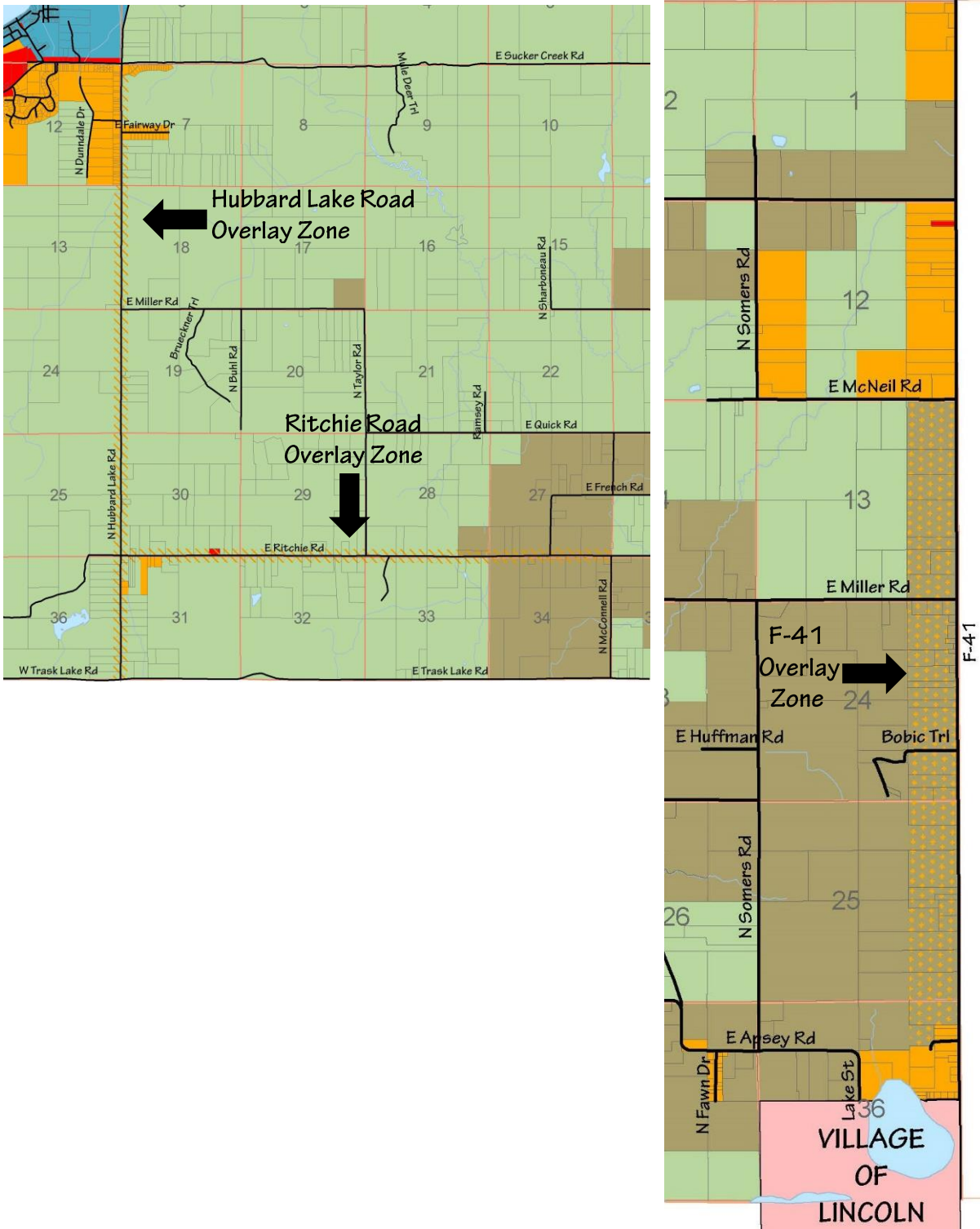
<b>1</b> Purpose & Authority	<b>2</b> Definitions	<b>3</b> General Provisions	<b>4</b> District Regulations	<b>5</b> Site Plans & Plot Plans
<b>6</b> Special Use Review	<b>7</b> Supplemental Regulations	<b>8</b> Zoning Board of Appeals	<b>9</b> Administration & Enforcement	<b>10</b> Adoption & Amendments

## Hawes Township Zoning Ordinance

### B. R-1 Overlay Zones.

1. **F-41 R-1 Overlay Zone.** The F-41 Overlay Zone is located on the west side of F-41 from McNeil Road south to the north boundary of the R-1 District, as shown on the Hawes Township Zoning Map, and allows for R-1 District uses on parcels within the overlay in addition to the uses allowed in the underlying Agricultural District. The F-41 Overlay Zone uses the parcels lines as an overlay zone boundary.
2. **Ritchie Road R-1 Overlay Zone.** The Ritchie Road Overlay Zone is located on the north and south sides of Ritchie Road from McConnell Road west to Hubbard Lake Road, as shown on the Hawes Township Zoning Map, and allows for R-1 District uses in addition to the underlying district uses. The Ritchie Road Overlay District is three hundred (300') feet deep, measured from the front property line, on each side of the road, where indicated on the Zoning Map.
3. **Hubbard Lake Road R-1 Overlay Zone.** The Hubbard Lake Road Overlay Zone is located on the east and west sides of Hubbard Lake Road from Trask Lake Road to Sucker Creek Road, as shown on the Hawes Township Zoning Map, and allows for R-1 District uses in addition to the underlying district uses. The Hubbard Lake Road Overlay District is three hundred (300') feet deep, measured from the front property line, on each side of the road, where indicated on the Zoning Map.
4. **Uses.**
  - a. Uses which are listed as Permitted or Special Uses within the underlying district only shall adhere to the development standards for the underlying district and, if applicable, all supplemental standards in [Article 7](#).
  - b. Uses which are listed as Permitted or Special Uses within the Residential (R-1) District only shall adhere to the development standards of the R-1 District and, if applicable, all supplemental standards in [Article 7](#).
  - c. Uses which are listed as Permitted or Special Uses within both the underlying district and the Residential (R-1) District shall adhere to the least restrictive district development standards and, if applicable, all supplemental standards in [Article 7](#).

Hawes Township Zoning Ordinance



<b>1</b> Purpose & Authority	<b>2</b> Definitions	<b>3</b> General Provisions	<b>4</b> District Regulations	<b>5</b> Site Plans & 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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**Section 4.13 Full Table of Permitted & Special Uses**

**A. Permitted and Special Uses.**

Uses permitted in Hawes Township are listed in the following table. Uses denoted with a “P” are permitted by right with the appropriate zoning permit. Uses denoted with an “S” are Special Uses. If a use’s cell within the table is empty in a particular column, then the use is not permitted in that particular district. Uses denoted with an asterisk “\*” have supplemental regulations found in [Article 7](#). The district’s columns use the same colors found on the zoning map for ease of reference (shown in the diagram below).

**B. Commercial Uses within the A, A-R, and F-R Districts.**

Commercial Uses within the A, A-R, and F-R Districts shall be located along a primary road.

Hawes Township Zoning Districts	
R-1	Residential District
R-2	Residential – Lake Shore District
A-R	Agricultural–Residential District
A	Agricultural District
FR	Forest Recreational District
C	Commercial District
I-D	Industrial Development District

Land Use Categories	Pg
Accommodation & Food/Event Services	4-37
Agriculture, Animal Services & Forest Products	4-38
Arts, Entertainment, & Recreation	4-39
Commercial, Services & Retail	4-40
Communications	4-42
Construction & Contractors	4-42
Educational Services & Religion	4-42
Human Care & Social Assistance	4-42
Manufacturing, Industrial & Waste Management	4-43
Miscellaneous	4-44
Public Facilities	4-44
Residential Uses	4-44
Transportation Services & Storage	4-45
Utilities & Energy	4-45

<b>1</b> Purpose & Authority	<b>2</b> Definitions	<b>3</b> General Provisions	<b>4</b> District Regulations	<b>5</b> Site Plans & 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>Full Table of Permitted Uses &amp; Special Uses</b>							
<b>P = Permitted S = Permitted with a Special Use Permit</b> <i>*supplemental development regulations</i>	R-1	R-2	A-R	A	FR	C	I-D
<b>Accommodation &amp; Food/Event Services</b>							
Bakeries & Confectioneries			S	S	S	P	
Bars/Taverns			S	S	S	P	
Bed & Breakfasts & Tourist Homes	P	P	P	P	P	P	
Cabin Courts (or Cabin Complex)		S	P	P	P	P	
Caterers/Food Service Contractors						P	
Coffee Shops			S	S	S	P	
Commercial Event Facilities - §7.16			S*	S*	S*	P*	
Food Trucks (or other similar temporary use) - §7.17 <i>(In A, A-R, and F-R Districts, food trucks shall be operated only on lots which contain an existing business)</i>			S*	S*	S*	P*	P*
Hotels & Motels			P	P	P	P	
Inns	S	S	S	S	S	P	
Microbreweries & Distilleries (serving directly to the public)			S	S	S	P	
Resorts	S	S	P	P	P	P	
Restaurants (without drive-through/drive-in)	S	S	S	S	S	P	
Restaurants (with drive-through/drive-in)				S	S	P	
Rooming Houses/Boarding Houses	S	S	P	P	P	P	
Short Term Rental Homes - §7.18	P*	P*	P*	P*	P*		
Wineries, Distilleries & Cider Mills (including accessory uses such as tasting rooms)			P	P	P	P	

<b>Full Table of Permitted Uses &amp; Special Uses</b>							
<b>P</b> = Permitted <b>S</b> = Permitted with a Special Use Permit *supplemental development regulations	R-1	R-2	A-R	A	FR	C	I-D
<b>Agriculture, Animal Services &amp; Forest Products</b>							
Agricultural Related Businesses including Sale & Service of Agricultural Machinery			P	P	P	P	P
Animal Sales Yards/Auctions for Livestock				P			
Animal Shelter/ Animal Rescue Facility				P			
Agricultural Tourism Businesses (on Farms)			P	P			
Biofuel Production Facilities on Farms - §7.11			PS*	PS*			
Boarding Stables; Riding Arenas			P	P	P		
Farming			P	P			
Farm Market/Roadside stand (on property controlled by the affiliated farm)			P	P			
Farm Product Sales (Fruit/Vegetable Market) – not affiliated with a specific farm			P	P	P	P	
Firewood Sales (Large Scale) (does not include small bundles of firewood)					S		P
Forest Products Processing (Saw Mills, Veneer Mills, Planing Mills & related operations)					S		P
Game Preserves/Hunting Preserves				P	P		
Grain Elevators			P	P			
Greenhouse; Plant Nursery; Landscaping Establishments			P	P	P	P	
Kennels, Dog			S	S	S		
Slaughter Houses							P
Veterinary Clinic/Animal Hospital (with outdoor animal area)			P	P	P	P	
Veterinary Clinic/Animal Hospital (with no outdoor animal area)	S		P	P	P	P	

<b>Full Table of Permitted Uses &amp; Special Uses</b>							
<b>P</b> = Permitted <b>S</b> = Permitted with a Special Use Permit *supplemental development regulations	R-1	R-2	A-R	A	FR	C	I-D
<b>Arts, Entertainment &amp; Recreation</b>							
Amusement Arcades & Similar Indoor Recreation						P	
Archery Ranges (& as accessory use), Outdoor					P		
Archery Ranges (& as accessory use), Indoor					P	P	
Art Galleries & Art Studios	S	S	P	P	P	P	
Bike Shops						P	
Billiards Halls & Bowling Centers			S	S	S	P	
Campgrounds					P	P	
Camps – private outdoor recreational camps (i.e. Summer Camps)					S		
Canoe/Kayak Liveries	S	S			P	P	
Clubs, Private; Lodges; Fraternal Organizations			S			P	
Clubs for Swimming & Court Games						P	
Country Clubs			P	P	P		
Equipment Rental, Motorized			P	P	P	P	
Equipment Rental, Non-Motorized (Outfitter)			P	P	P	P	
Golf Courses			P	P	P		
Golf Driving Ranges			P	P	P		
Historic Sites (open to the public)	S	S	P	P	P	P	
Hunting and Fishing Cabins (require zoning permit – same process as single-family residential)	P	P	P	P	P		
Marinas						P	
Museums (public)	S	S	P	P	P	P	
Nature Parks/Nature Areas	P	P	P	P	P	P	
Outdoor Performance Facilities					S	S	
Outdoor Commercial Recreational Facility (ex – amusement parks, go karts; miniature golf; disc golf; drive-in theaters)			S	S	S	S	
Public Parks & Playgrounds	P	P	P	P	P	P	
Race Tracks			S	S	S		
Recreational Centers, Indoor (ex: ice rink)			P	P	P	P	
RV Parks					P	P	
Shooting (Firearms) Ranges/Sportsmen's Association					S		
Theaters/Performing Arts Facilities			P	P	P	P	
Tours (Commercial Operations)						P	
Wildlife Preserves				P	P		



<b>Full Table of Permitted Uses &amp; Special Uses</b>							
<b>P</b> = Permitted <b>S</b> = Permitted with a Special Use Permit *supplemental development regulations	R-1	R-2	A-R	A	FR	C	I-D
<b>Commercial, Services &amp; Retail</b>							
Automotive Tire Sales & Installation						S	
Automotive Oil Change						S	
Auto Repair; Auto Body/Paint/Interior & Glass						S	
Automobile Towing Businesses						S	
Banks/Financial Institutions						P	
Boat/RV/Recreational Equipment Repair & Storage						S	
Building & Garden Equipment & Supplies Dealers						S	
Business Incubator (Food Incubator listed under Manufacturing)						P	P
Business Services						P	
Car Washes						S	
Cash Advance Stores						P	
Cleaning Services						P	P
Commercial Equipment Repair & Maintenance						P	P
Crematoriums						S	S
Electronic & Precision Equipment Repair & Maintenance						P	P
Equipment Rental & Sales/General Rental Center						P	
Extermination & Pest Control Services						S	P
Flea Market						P	
Funeral Homes & Mortuaries						P	
Furniture Refinishing (Upholsterers)/Furniture Repair						P	
Gas Stations						S	
Health Spa						P	
Interior Designers/Showrooms						P	
Laundromats & Dry Cleaning & Services						P	
Locksmiths						P	
Lumber Yards (pre-planed, finished lumber)/Building Material Sales						S	P
Manufactured Home Dealers						S	P
Medical Laboratories						S	S
Movie Rental Stores						P	
Offices, Professional						P	
Office Developments						P	
Outdoor Sales/Rental of automobiles, trucks, motorcycles, ATVs, marine craft, farm implements, contractor's equipment, recreational equipment						P	

<b>Full Table of Permitted Uses &amp; Special Uses</b>							
<i>P = Permitted S = Permitted with a Special Use Permit *supplemental development regulations</i>	R-1	R-2	A-R	A	FR	C	I-D
<b>Commercial, Services &amp; Retail</b>							
Pawn Shops						P	
Personal Services (barber/beauty shops, tailoring, massage therapy, shoe repair)						P	
Photofinishing/Photographers						P	
Printing/Binding/Publishing of Print Material						P	
Recording Studios/Film Production Facilities including sound stages & other related activities							P
Retail Sales (when conducted within a completely enclosed building)						P	
Seasonal Sales/Transient Sales			P	P	P	P	
Sexually Oriented Businesses - §7.07						S*	
Show Rooms						P	
Small Engine Repair						P	P
Small-Scale Craft Making						P	P
Studios for Dance, Physical Exercise & Music						P	
Taxidermy Shops					P	P	
Wholesale Businesses						S	P

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P = Permitted S = Permitted with a Special Use Permit *supplemental development regulations	R-1	R-2	A-R	A	FR	C	I-D
<b>Communications</b>							
Television/Radio Broadcasting Stations (with tower) - §7.06						S*	S*
Wireless Communications Facilities which include Support Structures 100' high & greater; Ground-Mounted Wireless Communications Facilities; Small Cell Wireless Facilities) - §7.06				S*	S*		S*
Wireless Communications Support Structures (towers) under 100 feet - §7.06	P*	P*	P*	P*	P*	P*	P*
<b>Construction &amp; Contractors</b>							
Special Trade Contractors Offices & Showrooms – no outdoor storage (construction, electrical, plumbing, heating, excavation, well-drilling, etc)						P	P
Special Trade Contractors Offices & Showrooms w/ outdoor storage of materials & contractor's equipment (construction, electrical, plumbing, heating, excavation, well-drilling, etc)						S	P
<b>Educational Services &amp; Religion</b>							
Colleges, Institutions of Specialized Learning & Trade Schools						S	
Religious Institutions & Customary Accessory Uses	S	S	S	P	S	P	
Schools & other Educational Buildings	S	S	S	P			
<b>Human Care &amp; Social Assistance</b>							
Adult Day Care Facility (in home)	S	S	S	S	S		
Adult Day Care Facility (not in home)						S	
Adult Foster Care Family Homes (6 or less adults)	P	P	P	P	P		
Adult Foster Care Small Group Home (7-12 adults)	S	S	S	S	S	S	
Adult Foster Care Large Group Home (13-20 adults)	S	S	S	S	S	S	
Adult Foster Care Congregate Facilities (over 20 adults)			S	S	S	S	
Assisted Living Home/Nursing Home/Convalescent Home			S	S	S	S	
Child Care Home, Family (6 or less)	P	P	P	P	P		
Child Care Home, Group (7 -12)- §7.03	S*	S*	S*	S*	S*		
Child Care Center/Nursery School (not in home)			S	S	S	S	
Child Caring Institution			S	S	S	S	
Health Care/Dental Clinics/Opticians						P	
Hospitals/ Sanitariums						S	
Institutions of Philanthropic and Charitable Nature						P	
Rehabilitation Institutions						S	
Residential Human Care & Treatment Facility (not in a private residence)						S	
State-Licensed Residential Facilities (Adult Foster Care 6 or less)	P	P	P	P	P		

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P = Permitted S = Permitted with a Special Use Permit *supplemental development regulations	R-1	R-2	A-R	A	R-F	C	I-D
<b>Manufacturing, Industrial &amp; Waste Management</b>							
Manufacturing, Light – including the production, processing, cleaning, testing, repair, storage, & 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 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, &amp; vibration.</b>							P
Manufacturing, Heavy – including the production, processing, cleaning, testing, repair, storage, & 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 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, &amp; vibration.</b>							S
Accessory Uses incidental to Manufacturing (offices, food services, caretaker buildings)							P
Blast Furnace, Steel Furnace, Blooming or Rolling Mill							S
Central Dry Cleaning Plants & Laundries (not dealing directly with customers)							S
Cold Storage Plants							P
Fertilizer, Liquid Nitrogen, & Anhydrous Ammonia Handling							S
Food Hub Facility/Food Incubator Facility							P
Gas & Oil Processing Facilities/Refinery							S
Incinerator Plant (non-pyrolysis or pyrolysis type/Gasification)							S
Industrial Parks (planned)							S
Junkyards/Salvage Yards/Scrap Yards/Motor Vehicle Impoundment & Wrecking Yards							S
Laboratories							P
Machine Shops							P
Metal Plating/Buffing/Polishing/Cutting/ Slitting/Shearing							P
Mineral Processing Facilities & Operations							P
Mining/Resource Extraction (incl sand, gravel, rock & mineral extraction) - §7.15	S*	S*	S*	S*	S*	S*	S*
Petroleum Products, Gas Products, Paint & Chemical Bulk Storage & Distribution							S
Petroleum Refinery							S
Printing, Lithographic & Blueprinting						P	P
Recycling Facilities/Resource Recovery Facilities/Transfer Stations/Waste Collection/Conversion of Waste Materials							P
Research/Design/Experimental Product Development (within a completely enclosed building)							P
Sign Painting							P
Smelting Industries							S
Tin Shops or Plumbing Supply Shops							P
Tool & Die Shops							P

- 1** Purpose & Authority
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<b>Full Table of Permitted Uses &amp; Special Uses</b>							
<i>P = Permitted S = Permitted with a Special Use Permit *supplemental development regulations</i>	R-1	R-2	A-R	A	FR	C	I-D
<b>Miscellaneous</b>							
Accessory Buildings & Uses Incidental to Main Uses - <a href="#">§3.09</a>	P*	P*	P*	P*	P*	P*	P*
Cemeteries including Columbaria & Mausoleums (human or pet)	S	S	S	S			
Planned Unit Developments - <a href="#">§7.13</a>	S*	S*	S*	S*	S*	S*	S*
Platted Subdivisions	S	S	S	S	S		
Site Condominium Developments - <a href="#">§7.14</a>	S*	S*	S*	S*	S*		
<b>Public Facilities</b>							
Community Buildings	S	S	S	P	P	P	
Government Offices (including service buildings & structures)				S		P	
Libraries						P	
Other Publicly-Owned & Civic Buildings						P	
Police/Fire Stations	S	S	S	P	P	P	
Post Office						P	
<b>Residential Uses</b>							
Accessory Dwelling Units/Guest Houses - <a href="#">§7.04</a>	P*	P*	P*	P*	P*		
Dwelling Units in conjunction with a Commercial Establishment (in districts only where specified commercial uses are allowed)					S	S	S
Home Occupations - <a href="#">§7.02</a>	P*	P*	P*	P*	P*		
Cottage Industries- <a href="#">§7.02</a>	S*	S*	S*	S*	S*		
Manufactured Housing Community (with accessory uses such as laundry facilities, office building, and community building) - <a href="#">§7.05</a>			S*	S*			
Multiple-Family Dwelling Units			S	S			
Single-Family Detached Dwelling	P	P	P	P	P		
Single-Family Attached Dwelling (Townhouses; Condominiums)	S	S	S	S	S		
Two-Family Dwelling (duplex)	S	S	S	S	S		

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<b>Full Table of Permitted Uses &amp; Special Uses</b>							
<b>P</b> = Permitted <b>S</b> = Permitted with a Special Use Permit *supplemental development regulations	<b>R-1</b>	<b>R-2</b>	<b>A-R</b>	<b>A</b>	<b>FR</b>	<b>C</b>	<b>I-D</b>
<b>Transportation &amp; Storage</b>							
Aviation Landing Fields including platforms, hangers, masts & other facilities, Aviation Support Services, Heliports			<b>S</b>	<b>S</b>	<b>S</b>		
Bus Garages & Other Ground Passenger Transportation						<b>S</b>	<b>P</b>
Charter Boat Operations						<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/Shipping Facilities							<b>P</b>
Self-Storage Facilities/Mini-Storage/Commercial Storage Facility						<b>P</b>	<b>P</b>
Truck Repair							<b>P</b>
Truck Washes							<b>P</b>
Warehousing & Storage						<b>S</b>	<b>P</b>
<b>Utilities &amp; Energy</b>							
Propane Distributor/Propane Supply Facilities/Other Fuel Sales & Storage						<b>S</b>	<b>S</b>
Public Utility Facilities (without storage yards)			<b>S</b>	<b>S</b>	<b>S</b>	<b>P</b>	<b>P</b>
Public Utility Facilities (with storage yards)			<b>S</b>	<b>S</b>	<b>S</b>		<b>P</b>
Solar Energy Facility (Utility-Scale) - <b>§7.10</b>				<b>S*</b>	<b>S*</b>		
Solar Energy Panels (Accessory) - <b>§7.09</b>	<b>P*</b>	<b>P*</b>	<b>P*</b>	<b>P*</b>	<b>P*</b>	<b>P*</b>	<b>P*</b>
Utility Transformer Stations & Substations			<b>S</b>	<b>S</b>	<b>S</b>	<b>S</b>	<b>S</b>
Wind Energy System(On-Site) - <b>§7.08</b>			<b>S*</b>	<b>S*</b>	<b>S*</b>	<b>S*</b>	<b>S*</b>
Wind Energy Systems (Utility-Scale/ Commercial) - <b>§7.08</b>			<b>S*</b>	<b>S*</b>	<b>S*</b>		<b>S*</b>

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**Section 4.14 Schedule of Regulations**

The following serves as a quick reference for district regulations. Please see the individual district sections for the full set of regulations pertaining to each district.

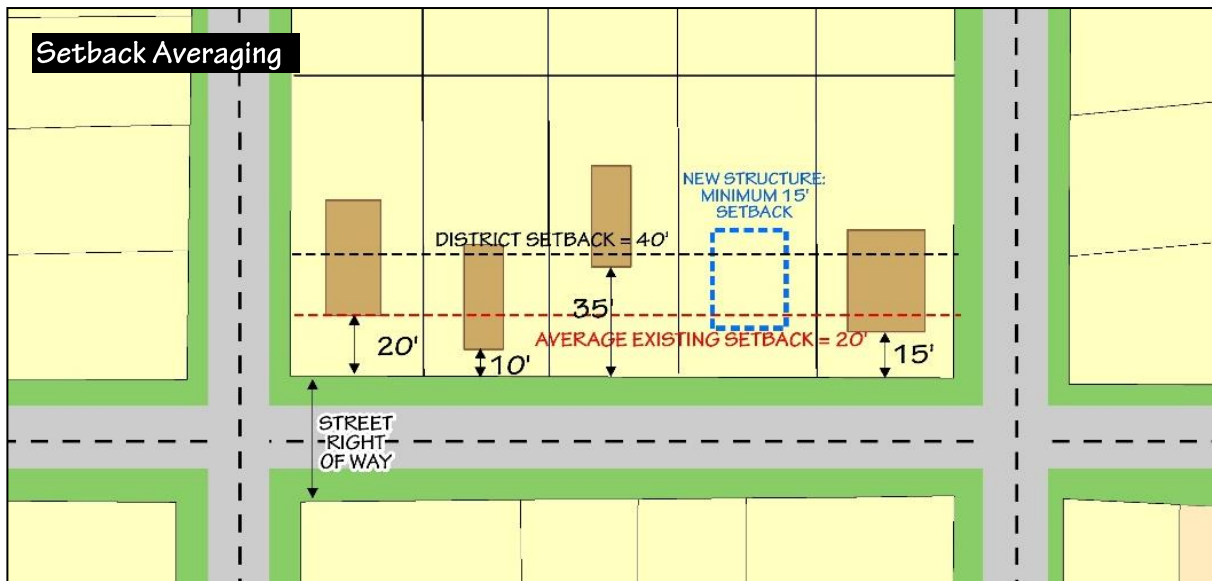
	R-1	R-2	A-R	A	FR	C	I-D
<b>Lot Area (min)</b>	12,000 ft <sup>2</sup>	12,000 ft <sup>2</sup>	2 acres	20 acres	10 acres	12,000 ft <sup>2</sup>	None
<b>Lot Width (min) a</b>	80 ft	80 ft	150 ft	466 ft	330 ft	100 ft	None
<b>Front Setback (min)</b>	40 ft b	40 ft cd	60 ft	60 ft	75 ft	40 ft	20 ft
<b>Side Setback (min)</b>	7 ½ ft	7 ½ ft	25 ft	25 ft	50 ft	e	10 ft
<b>Rear Setback (min)</b>	7 ½ ft b	20 ft cd	25 ft	25 ft	50 ft	10 ft	10 ft
<b>Dwelling Size (min)</b>	Area: 720 ft <sup>2</sup> (ground floor area) Width: 20 ft across at least 75% of the dwelling (on all sides)					N/A	N/A
<b>Building Height (max)</b>	32 ft						
<b>Building Coverage (max)</b>	None						

**Footnotes for Schedule of Regulations:**

- a. Lot shall not exceed the width/length ratio of 1:4.
- b. In the R-1 District, waterfront lots shall have a front (waterfront) setback of forty (40') feet from the ordinary high water mark and a rear (street side) setback of twenty (20') feet.
- c. In the R-2 District, waterfront lots shall have a front (waterfront) setback of forty (40') feet from the ordinary high water mark and a rear (street side) setback of twenty (20') feet.
- d. In the R-2 District, nonconforming lots of record (non-waterfront lots) shall have a twenty (20') foot front setback. If twenty (20') feet cannot be met, setback averaging may be applied as follows: where the front yard setbacks of two (2) or more existing buildings within four-hundred (400') feet in either direction of the subject lot and on the same side of the street, are less than the minimum front yard district setback required, then any building subsequently erected within said distance shall not be less and need not be greater than the average depth of the front yard setbacks of the existing buildings. In no instance shall the front yard setback be less than seven

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and one-half (7 ½') feet. Setback averaging may also be used to determine the rear setback for nonconforming lots of record.



### e. Side Yards in the Commercial District:

1. Side yards shall not be required along interior side of lot lines, if all walls abutting or facing such lot lines are of fire-proof masonry construction and wholly without windows or other openings
2. Side yards of not less than ten (10') feet shall be provided when any wall facing such sidelines contain windows or other openings.
3. Street side setback shall be ten (10') feet.
4. A side yard of not less than seven and one-half (7 ½') feet shall be provided on any lot or premises abutting a Residential District or any premises occupied by a dwelling.



# Article 5

## Site Plans & Plot Plans

Sec	Name	Pg	Sec	Name	Pg
5.01	Purpose & Approval Summary Table	5-1	5.06	Site Plan Review Procedures	5-5
5.02	Plot Plans	5-2	5.07	Site Plan Review Standards	5-7
5.03	Site Plans – Circumstances Requiring	5-3	5.08	Amendment to Approved Site Plan	5-8
5.04	Site Plan Pre-Application Conference	5-3	5.09	Expiration of an Approved Site Plan	5-10
5.05	Site Plan Data Required	5-3			

### Section 5.01 Purpose & Approval Summary Table

The purpose of this Article is to specify the documents and/or drawings required for plot plan 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 5.01: Approval Summary Table**

Type of Use	Required	Approving Body
1. Single-Family Detached Dwellings, Two-Family Dwellings	Plot Plan	ZA
2. Attached Single-Family Dwellings (townhomes); Multiple-Family Dwellings	Site Plan	PC
3. Home Occupations	n/a	No permit required
4. Cottage Industries (Special Use)	Plot Plan	PC
5. Accessory Dwelling Units	Plot Plan	ZA
6. Short Term Rentals	Plot Plan	ZA
7. Bed & Breakfasts/Tourist Homes	Plot Plan	PC
8. Cabin Courts (or Cabin Complex)	Plot Plan	PC
9. Dwelling Units in conjunction with Commercial Establishments	Site Plan	PC
10. Residential Special Uses (such as Group Child Care Home)	Plot Plan	PC
11. Special Uses	Site Plan	PC
12. Parking Lots	Site Plan	ZA
13. Change of Use between or within use categories	n/a	ZA (may send to PC)
14. Accessory Buildings	Plot Plan	ZA
15. Fences	Plot Plan	ZA
16. Signs	Plot Plan	ZA
17. New Commercial, Industrial, Institutional & Utility Structures/Uses.	Site Plan	PC
18. Expansion of an existing use, other than single-family and two-family dwellings, which increases the existing floor area more than 25%.	Site Plan	PC
19. Planned Unit Developments & Site Condominiums	Site Plan	PC
20. Food Trucks	Site Plan	ZA
21. Seasonal/Transient Sales	Plot Plan	ZA

**PC = Planning Commission    ZA = Zoning Administrator**

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**Section 5.02 Plot Plans**

**A. Plot Plan Requirements.**

The Zoning Administrator shall require that all applications for Zoning Permits, which do not require a site plan, be accompanied by plans and specifications including a Plot Plan, drawn to scale, showing the items listed below. The Zoning Administrator may waive any of the plot plan requirements listed below when he/she finds that those requirements are not applicable or necessary. Nothing in this Section shall be construed as to prohibit a property owner or his agent from preparing their own plans and specifications.

**Table 5.02: 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. Structures</b>	The location, shape, and size of all buildings or other structures to be erected, altered, or moved onto the lot and of any building or other structure already on the lot, drawn to scale. In addition, an elevation drawing of the proposed building(s) may be required by the Zoning Administrator in order to measure the height of the proposed structures.
<b>4. Access</b>	The location and configuration of the lot access and driveway, drawn to scale.
<b>5. 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>6. 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>7. 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 summary table in [Section 5.01](#) after an application has been submitted and applicable fees have been paid. The Zoning Administrator will issue a zoning permit pursuant to [Section 9.02](#) after determination that the application and proposed activity are in compliance with all applicable sections of this Ordinance.

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**Section 5.03 Site Plans – Circumstances Requiring**

Required site plans give the Planning Commission an opportunity to review development proposals in a concise and consistent manner. The use of the site plan ensures that the physical changes in the property meet with local approval and that development actually occurs as it was planned and represented by the developer. Site plans are required as indicated in [Table 5.01](#).

**Section 5.04 Site Plan Pre-Application Conference**

The Zoning Administrator, Planning Commission Chair (or designee of the Planning Commission Chair) and/or 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.

This conference shall not be mandatory, except in the case of a Planned Unit Development, but is recommended for small and large projects alike. It is recommended for large projects that a pre-application conference be held several months in advance of the desired start of construction. Such an advance conference will allow the applicant/developer time to prepare the needed information for the Planning Commission to make a proper review.

**Section 5.05 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 the Planning Commission. The Zoning Administrator or the Planning Commission can waive any or all of the below site plan requirements when it is found that those requirements are not applicable to the proposed development. The Zoning Administrator may require a digital site plan.

**Table 5.05: Site Plan Requirements**

**A. General Information**

1. Property owner's name, address, and telephone number and if applicable, agent's name, address, and telephone number.
2. Name and address of individual or firm responsible for preparing plan, if applicable.
3. Location map and legal description for the property.
4. Certified survey of the property prepared and sealed by a professional licensed surveyor, showing at a minimum the boundary lines of the property MAY be required.
5. The existing zoning district in which the site is located and the zoning of adjacent parcels. In the case of a request for a zoning change, the classification of the proposed new district must be shown.
6. Gross acreage of development and total usable floor area.
7. Proposed use.
8. Anticipated hours of operation for proposed use.

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9. Date, north arrow and scale.
10. Any other information requested by the Zoning Administrator or Planning Commission to determine conformance with this Ordinance.

### B. Development Features

1. **Proposed Features.** All proposed uses or structures on the site, including proposed drives, walkways, signs, fences, landscaping, and exterior lighting. An elevation drawing of the proposed building(s) shall be required in order to review the proposed building bulk and verify height. Include square footage of structures.
2. **Existing Features on the Site.** The site plan shall show existing features such as structures; towers; excavations; bridges; culverts; and drains.
3. **Existing Features near the Site.** The location and identification of all existing structures, lighting, signs, ingress drives, roads, and parking within a three hundred (300') foot radius of the site, including road names.
4. **Utilities.** Existing and proposed utilities, including water supply, storm water, and waste disposal facilities, and easements for the same.
5. **Drainage.** Existing and proposed site topography, at sufficient detail to indicate site drainage and grading. Indicate the location, size, and slope of all surface and subsurface drainage facilities.
6. **Circulation.** Existing and proposed access and circulation for vehicles and pedestrians including drives, roadways, parking, walkways, fire truck access, and loading zones where applicable.
7. **Loading and Unloading Areas.** The site plan shall show the proposed location and size of all loading and unloading areas.
8. **Common Areas.** Common use areas and recreational areas and facilities.
9. **Waste.** The site plan shall show storage and disposal facilities for solid waste generated, including location of dumpsters.
10. **Storage.** Outdoor storage areas and snow storage areas.
11. **Hazardous Materials.** The site plan shall include information on the storage and use of hazardous materials and the disposal of hazardous waste, which must be in compliance with all state and federal regulations.
12. **Natural Features.** Existing and proposed environmental conditions, including vegetation, location of mature trees or woodland, surface water, and wetlands, and soils information where appropriate.

### C. Phased Construction

Where phases or staged construction is contemplated for the development of a project, the site plan submitted must show the interrelationship of the proposed project to the future stages, including the following:

1. Relationship and identification of future structures.
2. Pedestrian and vehicular circulation.
3. Time schedule for completion of the various phases of the proposed construction.
4. Temporary facilities or construction of same as required to facilitate the stated development.

**1** Purpose & Authority

**2** Definitions

**3** General Provisions

**4** District Regulations

**5** Site Plans & Plot Plans

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**Section 5.06 Site Plan Review Procedures**

**A. Number of Copies and Timing.**

Six (6) copies of the proposed site plan, including all required additional or related information, shall be presented to the Zoning Administrator's office by the applicant or property owner or their designated agent at least thirty (30) days prior to the Planning Commission meeting at which the site plan will be considered.

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

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 site plan, including all required additional or related information, is determined to be complete, it shall be placed on the agenda of the next Planning Commission meeting if the site plan was submitted at least thirty (30) days prior to the meeting. If the site plan was submitted less than thirty (30) days prior to the Planning Commission meeting, the site plan shall be placed on the agenda of the next available meeting.

**C. Coordination with Other Agencies.**

The Zoning Administrator may distribute the site plan to the following agencies or any other agency or consultant deemed appropriate for comment and recommendation prior to consideration for approval.

1. The **Alcona County Soil Erosion and Sedimentation Control Officer.**
2. The **Alcona County Drain Commissioner.**
3. The **Alcona County Road Commission.**
4. **District Health Department # 2.**
5. **Michigan Department of Natural Resources.**
6. Local fire and ambulance service providers.

**D. Application Fees.**

Application fees as determined pursuant to **Section 9.03** of this Ordinance shall be paid when the application and site plan are submitted.

**E. 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 the site plan approval

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can be granted, or the site plan may be approved subject to favorable action by the Zoning Board of Appeals.

### F. Representation at Meeting.

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

### G. Planning Commission Action.

1. The Planning Commission shall approve, or approve with conditions, an application for a site plan only upon a finding that the proposed site plan complies with all applicable provisions of this Ordinance and the standards listed in [Section 5.07](#).
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 of a site plan authorizes issuance of a zoning permit.
4. 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.

### H. Conditions.

The Planning Commission may impose reasonable conditions with the approval of a site plan, pursuant to [Section 9.07](#) of this Ordinance.

### I. Performance Guarantee.

The Planning Commission may require an applicant to provide a performance guarantee in connection with the approval of a site plan, pursuant to [Section 9.04](#) of this Ordinance.

### J. Signed Copies of Approved Site Plan.

If approved by the Planning Commission, two (2) copies of the site plan shall be signed and dated by both the applicant and Zoning Administrator or Planning Commission Chair. One (1) signed and dated site plan shall be provided to the applicant and one (1) shall be retained by the Zoning Administrator as part of the Township's permanent zoning file. If required by the Township, a digital copy of the final approved plot plan or site plan shall be provided by the applicant. The Zoning Administrator shall not issue a zoning permit until he/she has an approved and signed plot plan or site plan on file.

### K. Conformity to Approved Site Plan Required.

Following approval of a site plan by the Planning Commission, the applicant shall construct the site plan improvements in complete conformity with the approved site plan. Failure to do so shall be deemed a violation of this Ordinance.

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**Section 5.07 Site Plan Review Standards**

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

**A. Harmonious with Adjacent Uses.**

The site shall be so developed as not to impede the normal and orderly development or improvement of surrounding property for uses permitted in this Ordinance.

**B. 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.

**C. Drainage.**

Stormwater/drainage shall not adversely affect neighboring properties and all water conveyances on land surfaces will transport stormwater at a non-erosive velocity. Adequate parking lot drainage shall be provided.

**D. Privacy.**

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

**E. Circulation.**

1. There shall be a proper relationship between existing and proposed streets within the vicinity to assure the safety and convenience of pedestrian and vehicular traffic.
2. Circulation systems shall be designed to promote safe and efficient traffic operations within the site, at ingress/egress points, and at intersections.
3. Vehicular and pedestrian circulation shall be well-defined.

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

### F. Emergency Vehicle Access.

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

### G. Access.

Every structure or dwelling unit shall have access to a public street, walkway, or other area dedicated to common use. Where possible, shared commercial access drives shall be encouraged.

### H. Outside Storage.

Outside storage areas, including areas for storage of trash which face or are visible from the public street, residential districts, or residential uses, shall be screened.

### I. Lighting.

Exterior lighting shall be arranged so that it is deflected away from adjacent properties and so that it does not impede the vision of traffic along adjacent streets.

### J. Snow Storage.

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

### K. Landscaping.

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

### L. Compliance with Other Statutes and Regulations.

Site plans shall conform to all applicable requirements of federal, state, and local statutes, and approval may be conditioned on the applicant receiving necessary federal, state, and local permits before the actual zoning permit is granted.

## Section 5.08 Amendment to an Approved Site Plan

Amendment of an approved site plan shall be permitted only under the following circumstances:

- A. The owner of property for which a site plan has been approved shall notify the Zoning Administrator of any desired change to the approved site plan. Minor changes may be approved by the Zoning Administrator upon determining that the proposed revision(s) will not alter the basic design and character of the site plan or any specified conditions imposed as part of the

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original approval. 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. Minor changes shall include the following:

1. Reduction of the size of any building.
  2. Movement of buildings by no more the ten (10') feet.
  3. Landscaping approved in the site plan that is replaced by similar landscaping to an equal or greater extent.
  4. Changes in floor plans that do not exceed five (5%) percent of the total floor area and which do not alter the character of the use or increase the amount of required parking.
  5. Internal re-arrangement of a parking lot which does not affect the number of parking spaces or alter access locations or design.
  6. Improvements to site access or circulation, such as inclusion of deceleration lanes, boulevards, curbing, pedestrian/bicycle paths, etc.
  7. Alterations to vertical elevations by up to twenty-five (25%) percent.
  8. Changes of building materials to another of higher quality, as determined by the Zoning Administrator.
  9. Changes that will preserve the natural features of the site without changing the basic site layout.
  10. Change type and design of outdoor lighting fixtures provided an engineer or architect certifies there will be no change in the intensity of light at the property boundary.
  11. Changes related to items 1 through 10 above, required or requested by Hawes Township or other local, 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.
  12. All amendments to a site plan approved by the Zoning Administrator shall be in writing. After approval by the Zoning Administrator, the Applicant shall prepare a revised site plan showing the approved amendment. 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. The Planning Commission must be informed of all amended site plans.
- B. An amendment to an approved site plan that cannot be processed by the Zoning Administrator under [subsection A](#) above shall be processed in the same manner as the original site plan application.

**Section 5.09 Expiration of an Approved Site Plan**

Any approved site plan shall become invalid if the authorized work is not commenced within one (1) year after the zoning permit is issued or if the authorized work is suspended or abandoned for a period of one (1) year after the time of commencing the work. At least thirty (30) days prior to expiration of an approved site plan, an applicant may make application to the Zoning Administrator for a one (1) year extension of the site plan approval. The Zoning Administrator shall grant the requested extension for this additional one (1) year if he/she finds good cause for the extension.

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# Article 6 Special Use Review

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6.02	Special Use Review Procedures	6-1
6.03	Planning Commission Action	6-2
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6.05	Amendment to a Special Use	6-5
6.06	Expiration, Suspension or Revocation of a Special Use	6-5
6.07	Inspection of a Special Use	6-6

## Section 6.01 Purpose

Special Uses are those uses of land which are, with the additional regulations specified herein, compatible with the uses permitted in a zoning district but possess characteristics or location qualities which requires individual review and restrictions in order to ensure compatibility with the character of the surrounding area, public services and facilities, and adjacent uses of land. The intent of this Article is to establish equitable procedures and criteria which shall be applied in the determination of requests to establish Special Uses.

## Section 6.02 Special Use Review Procedures

### A. Application Submittal.

- 1. Application.** An 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 prescribed.
- 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 Special Use will be considered.
- 3. Plot Plan or Site Plan.** For those Special Uses which also require a plot plan or site plan, in addition to a complete application form, the applicant is required to submit a plot plan for Residential Special Uses in accordance with [Section 5.02](#) and a site plan for Non-Residential Special Uses prepared in accordance with [Section 5.05](#). Incomplete submittals shall not be accepted by the Zoning Administrator. The Zoning Administrator may waive the requirement for a plot plan and site plan if he/she finds that the plot plan/site plan requirements are not applicable to the proposed Special Use.

### B. Application Processing.

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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 9.05](#).
2. **Coordination with Other Agencies.** The Zoning Administrator may distribute the application materials to the following for comment or recommendation prior to consideration for approval:
  - a. The [Alcona County Soil Erosion and Sedimentation Control Officer](#).
  - b. The [Alcona County Drain Commissioner](#).
  - c. The [Alcona County Road Commission](#).
  - d. [District Health Department # 2](#).
  - e. [Michigan Department of Natural Resources](#).
  - f. Local police, fire, and ambulance service providers.
  - g. Other agencies as deemed appropriate.
3. **Applications Requiring ZBA Action.** Where the applicant is dependent upon the granting of any variances by the Zoning Board of Appeals, the application may be approved contingent upon approval of the Zoning Board of Appeals.
4. **Representation at Meeting.** If the applicant fails to provide representation, the review may be tabled until the next scheduled Planning Commission meeting or may be acted upon without the applicant’s input.
5. **Consultant.** The Planning Commission may request the assistance of a qualified professional planner, engineer, attorney, or other professional in the application review process, if deemed necessary or advisable.

### Section 6.03 Planning Commission Action

#### A. Decision.

After the required notice, required public hearing, and review of approval standards pursuant to [Section 6.04](#), the Planning Commission shall act to approve, approve with modifications and/or conditions, or deny the proposed Special Use.

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### B. Findings of Fact.

The decision on a Special Use shall be incorporated into a written statement of findings and conclusions relative to the Special Use which specifies the basis for the decision and any condition(s) imposed.

### C. Conditions.

The Planning Commission may impose reasonable conditions with the approval of the Special Use, pursuant to [Section 9.07](#) of this Ordinance.

### D. Signed Copies.

If a plot plan or site plan is required, upon approval of the plan, two (2) copies of the plot plan or site plan shall be signed and dated by the applicant and Zoning Administrator or Planning Commission Chair. One (1) signed and dated plot plan or site plan shall be provided to the applicant and one (1) copy shall be retained by the Zoning Administrator as part of the permanent zoning file. If required by the Township, a digital copy of the final approved plot plan or site plan shall be provided by the applicant. The Zoning Administrator shall not issue a zoning permit until he/she has an approved and signed plot plan or site plan on file. If no plot plan or site plan is required, the Zoning Administrator shall issue the zoning permit upon approval of the Planning Commission pursuant to [subsection A](#).

### E. Conformity to Approval Required.

Following approval of a Special Use by the Planning Commission, the applicant shall operate the Special Use in complete conformity with the Planning Commission approval. Failure to do so shall be deemed a violation of this Ordinance.

## Section 6.04 Special Use Approval Standards

The Planning Commission shall approve, or approve with conditions an application for a Special Use permit only upon finding that the proposed Special Use complies with all the following standards:

### A. Allowed Special Use.

The property subject to the application is located in a zoning district in which the proposed Special Use is allowed.

### B. Compatibility with Adjacent Uses.

The proposed Special Use shall be designed, constructed, operated, and maintained to be compatible and appropriate in appearance with existing or planned uses and the intended character of the area and the surrounding land. In determining whether a Special Use will be compatible and not create a significant detrimental impact, as compared to the impacts of permitted uses, consideration shall be

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given to the degree of impact the Special Use may have on adjacent property, as compared with the expected value to the community. The following types of impacts shall be considered:

1. Use activities, processes, materials, equipment, or conditions of operation;
2. Vehicular circulation and parking areas;
3. Outdoor activity, storage, and work areas;
4. Hours of operation;
5. Production of traffic, noise, vibration, smoke, fumes, odors, dust, glare, and light;
6. Impacts on adjacent property values; and
7. The relative ease by which the impacts above will be mitigated.

### C. 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, water, and sewer facilities, and refuse collection and disposal services.

### D. Economic Well-Being of the Community.

The proposed Special Use shall not be detrimental to the economic well-being of the surrounding residents, businesses, landowners, and the community as a whole.

### E. Compatibility with 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.

### F. Impact of Traffic on Street System.

The location and design of the proposed Special Use shall minimize the negative impact on the street system in consideration of items such as vehicle trip generation (i.e. volume), types of traffic, access location and design, circulation and parking design, street and bridge capacity, traffic operations at proposed access points, and traffic operations at nearby intersections and access points. The proposed Special Use shall not cause traffic congestion, conflict, or movement in greater proportion to that normally prevailing for the use in the particular zoning district.

<b>1</b> Purpose & Authority	<b>2</b> Definitions	<b>3</b> General Provisions	<b>4</b> District Regulations	<b>5</b> Site Plans & Plot Plans
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### G. Non-Detrimental Standards.

The proposed Special Use shall not involve uses, activities, processes, materials, equipment, or conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of noxious or offensive production of noise, smoke, fumes, glare, vibration, odor, or traffic.

### H. Compliance with Supplemental Site Development Standards.

The proposed Special Use complies with all applicable supplemental site development standards as contained in [Article 7](#) of this Ordinance.

## Section 6.05 Amendment to a 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 5.08](#). Amendments which do not fall under [Section 5.08](#) shall be processed in the same manner as a new Special Use.

## Section 6.06 Expiration, Suspension or Revocation of a Special Use

### A. Expiration of Special Use Permit.

Any approved Special Use shall become invalid if the approved Special Use is not commenced within one (1) year after the zoning permit is issued. At least thirty (30) days prior to expiration of an approved Special Use permit, an applicant may make application to the Planning Commission for a one (1) year extension of the Special Use permit. The Planning Commission may grant the requested extension for this additional one (1) year if it finds good cause for the extension.

### 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.

The Special Use permit shall expire if the Special Use has been abandoned for a period of one (1) year or more. When determining the intent of the property owner to abandon a Special Use, the Zoning Administrator shall consider the following factors:

1. Whether utilities such as water, gas, and electricity to the property have been disconnected.
2. Whether the property, buildings, and grounds have fallen into disrepair.
3. Whether signs or other indications of the existence of the Special Use have been removed.

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- 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.**

The Zoning Administrator may suspend or revoke a Special Use permit issued under the provisions of this Ordinance whenever the permit is issued erroneously on the basis of incorrect information supplied by the applicant or his agent or is in violation of any of the provisions of this Ordinance or of any other ordinances or regulations of the Township.

**Section 6.07 Inspection of a Special Use**

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

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

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## Section 7.01 Purpose

In addition to the regulations set forth in this Ordinance, the following are specific regulations and design standards for uses marked with an asterisk in [Section 4.13](#) (Full Table of Permitted and Special Uses) and the use tables within each district section in [Article 4](#) and shall be the minimum governing requirements for the protection of the public health, safety, and general welfare of the community.

## Section 7.02 Home Occupations & Cottage Industries

A Home Occupation does not require a zoning permit or zoning approval but shall comply with the standards listed herein. A Cottage Industry requires Planning Commission approval as a Special Use. A Home Occupation or Cottage Industry use shall not create a nuisance or endanger the health, safety, welfare, or enjoyment of any other person in the area, by reason of noise, vibration, glare, fumes, odor, unsanitary or unsightly conditions, fire hazards, or the like, involved in or resulting from such Home Occupation or Cottage Industry.

### A. Employees.

Off-street parking for employees shall be provided on the lot containing the Home Occupation or Cottage Industry.

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1. **Home Occupation.** A Home Occupation may employ no person that does not physically reside within the premises containing the Home Occupation.
2. **Cottage Industry.** The number of employees that do not physically reside within the premises containing the Cottage Industry shall be approved during the Planning Commission Special Use review.

### B. Use of Dwelling.

The use of the dwelling unit for the Home Occupation or Cottage Industry shall be clearly incidental and subordinate to its use for residential purpose by the occupants. Provided further that not more than twenty-five (25%) percent of the total gross floor area of any story of the residence may be used for Home Occupation or Cottage Industry purposes. One hundred (100%) percent of the floor area of an accessory building may be used for the Home Occupation or Cottage Industry.

### C. Outside Appearance.

Except for [subsection F.2](#) below, there shall be no change in the outside appearance of the structure or premises or any visible evidence of the conduct of such Home Occupation or Cottage Industry, other than one (1) sign pursuant to [Section 3.27](#). There shall be no off-site indication of a business operation.

### D. Traffic.

No traffic shall be generated by such Home Occupation or Cottage Industry in greater volumes than would normally be expected in the immediate area. Any need for parking generated by the conduct of such Home Occupation or Cottage Industry shall be provided by an off-street area.

### E. Equipment.

No equipment or process shall be used in such Home Occupation or Cottage Industry, which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses of persons off the lot. In the case of electrical interference, no non-FCC (Federal Communications Commission) licensed equipment or process shall be used which creates visual or audible interference with any radio or television receivers off the premises or causes fluctuations in line voltage off the premises.

### F. Outdoor Storage and Display.

1. **Home Occupations.** All activities shall be carried on within an enclosed structure. There shall be no outside display of any kind or other external or visible evidence of the conduct of a Home Occupation.
2. **Cottage Industries.**

<b>1</b> Purpose & Authority	<b>2</b> Definitions	<b>3</b> General Provisions	<b>4</b> District Regulations	<b>5</b> Site Plans & Plot Plans
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- a. **Unfinished Goods.** The outdoor storage of unfinished goods and/or materials is prohibited unless screened (by a tight-board wood fence or decorative masonry wall, landscaped buffer, landscaped berm, or similar method) from view from neighboring property and bordering road rights-of-way. The type and location of the screening shall be approved by the Planning Commission. The Planning Commission may give approval for a fence which exceeds the height limits listed in [Section 3.17](#).
- b. **Finished Goods.** The Planning Commission may permit the display of finished goods as part of the approval process.

### G. Hours of Operation.

Hours of operation for Cottage Industries will be set during the approval process.

### H. 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. If the Zoning Administrator has reason to believe the property owner is in violation of his or her permit or that grounds for revocation exist, written notice of alleged violation(s) shall be sent to the operator of the Home Occupation or Cottage Industry and to the owner of the real property premises, if different from the operator of the Home Occupation or Cottage Industry. The operator shall be afforded the opportunity to appear at a public hearing before the Planning Commission to present his or her case. The hearing notice procedures shall be the same as those for a Special Use.
4. Following the public hearing, the decision of the Planning Commission shall be made in writing and shall be based on specific findings of fact. Reasonable conditions may be imposed to prevent conflicts with other property uses or to assure compatibility with the standards of this Ordinance. The Planning Commission shall have the authority to limit the hours of operation, impose conditions of operation or, if deemed necessary, order the complete termination of the activity.
5. 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.

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**Section 7.03 Group Child Care Homes**

A Special Use Permit will be issued if the group child care home meets all of the following conditions:

- A. Is not located closer than fifteen hundred (1,500') feet to any of the following:
  - 1. Another licensed group child care home.
  - 2. An adult foster care home or large group home licensed under the [Adult Foster Care Facility Licensing Act, 1979 PA 218](#).
  - 3. A facility offering substance abuse treatment and rehabilitation service or seven (7) or more people licensed under Article 6 of the [Public Health Code, 1978 PA 368](#).
  - 4. A community correction center, resident home, halfway house, or other similar facility which houses an inmate population under the jurisdiction of the department of corrections.
- B. Has at least four hundred (400 ft<sup>2</sup>) square feet of fenced outdoor space.
- C. Maintains the property consistent with the visible characteristics of the neighborhood.
- D. Does not exceed sixteen (16) hours of operation during a twenty-four (24) hour period.

**Section 7.04 Accessory Dwelling Units (including Guest Houses)**

The purpose of this Section is to allow a minor amount of space within a dwelling or upon a lot with a primary dwelling to be used, rented, or leased as separate living quarters for extended family or non-family members in residential neighborhoods within the Township. These provisions are further intended to provide reasonable control in recognition of the high percentage of owner-occupied single-family homes in the Township. The purpose of these standards is also to prevent the undesirable proliferation of permanent two-family units which could, over time, disrupt the character of single-family neighborhoods. The following regulations shall apply:

- A. One (1) Accessory Dwelling Unit is allowed per lot or parcel.
- B. The Accessory Dwelling Unit shall not be utilized as a Tourist Home, Bed and Breakfast Facility, or Short Term Rental.
- C. The Accessory Dwelling Unit shall be provided electricity, plumbing, and heat.
- D. The Accessory Dwelling Unit shall be a self-contained unit and shall be:
  - 1. Located above an attached or detached garage, or
  - 2. Attached to the primary dwelling or garage, or

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- 3. A freestanding, detached unit.
- E. If the Accessory Dwelling Unit is a freestanding, detached unit, it shall be on a foundation with appropriate skirting. All wheels and towing mechanisms shall be removed.
- F. The Accessory Dwelling Unit shall have a separate exterior entrance.
- G. The residents of the primary structure shall maintain the Accessory Dwelling Unit and shall ensure that no excessive noise, traffic, or blight occurs on the property.
- H. The Accessory Dwelling Unit shall conform to current building code standards.
- I. One (1) additional parking space shall be provided on-site for the accessory dwelling unit.

Property owners with proposed Accessory Dwelling Unit are encouraged to contact the Township Assessor to determine property tax implications of the Accessory Dwelling Unit.

### Section 7.05 Manufactured Housing Communities

Manufactured housing communities shall be subject to the following conditions:

- A. The minimum size for the manufactured housing community shall be fifteen (15) acres.
- B. Manufactured housing communities shall be developed and licensed pursuant to the requirements of the [Mobile Home Commission Act, 1987 PA 96](#) and any [Administrative Rules](#) promulgated pursuant to this Act, as amended. This includes but is not necessarily limited to compliance with [Michigan Manufactured Housing Commission](#) regulations concerning internal roads, parking requirements, fencing, screening, unit spacing, and recreational and open spaces.
- C. To the extent permitted by the [Michigan Manufactured Housing Commission](#), this Ordinance shall require all manufactured homes in manufactured housing communities to be anchored to the ground in accordance with the standards and specifications of the manufacturer and any applicable state and federal statutes and rules.
- D. The underside or chassis of all manufactured homes in manufactured housing communities shall be fully skirted or enclosed with durable, weather-resistant materials, as specified by the manufacturer or as specifically manufactured for use as home skirting, and all such skirting shall be maintained in place as designed.
- E. **Permit Application.**

The construction, alteration, or extension of a manufactured housing community shall be conducted in accordance with all applicable state and local regulations and this Ordinance only after obtaining a permit for same as provided for in this Section.

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In addition to the requirements set forth in this Ordinance a site plan shall accompany each permit application giving the following information plus any other related information requested by the Planning Commission:

1. Site boundary line locations and dimensions plus the area of the manufactured housing community site.
2. Number, location, and size of each manufactured home lot and all common open space areas.
3. For each manufactured home lot, the size and type of manufactured home permitted or expected to be situated thereon.
4. Location and dimensions of roadways, walkways, and parking areas.
5. Location and function of all service and other permanent buildings.
6. Location and size of on-site and immediately adjacent natural features, including topography, wetlands, streams, lakes, ponds, drains, and woodlands along with a narrative description of changes to these natural features that will be caused by the development described in the permit application.
7. Location, size, and usage of all on-site and adjacent existing structures.
8. Site Plan requirements ([Article 5](#)) shall be complied with and other Special Use requirements ([Article 6](#)) must be met.

### Section 7.06 Wireless Communications

#### A. Co-Location.

Co-location on an existing support structure is encouraged. Antenna co-location on an existing support structure shall be a permitted use of property pursuant to Section 3514 of [2006 PA 110](#), as amended, if the following requirements are met. No zoning permit is required.

1. The wireless communications equipment will be co-located on an existing wireless communications support structure or in an existing equipment compound.
2. The existing wireless communications support structure or existing equipment compound is in compliance with this Ordinance or was approved by the Planning Commission.
3. The proposed co-location will not do any of the following:
  - a. Increase the overall height of the wireless communications support structure by more than twenty (20') feet or ten (10%) percent of its original height, whichever is greater.

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- b. Increase the width of the wireless communications support structure by more than the minimum necessary to permit collocation.
- c. Increase the area of the existing equipment compound to greater than two thousand five hundred (2,500 ft<sup>2</sup>) square feet.
- 4. The proposed co-location complies with the terms and conditions of any previous final approval of the wireless communications support structure or equipment compound by the appropriate zoning body or official of the local unit of government.
- 5. Wireless communications equipment that meets the requirements of **subsection A.1** and **A.2** but does not meet the requirements of **subsection A.3** or **A.4** is a Special Use which requires approval under **subsection D**.
- 6. No antenna or similar sending/receiving devices appended to the tower/support structure, following its approved construction, shall be permitted if it exceeds the engineered design capacity of the tower/support structure thereby jeopardizing the tower's/support structure's structural integrity.
- 7. The installation and/or operation of the above-mentioned, antennas or facilities shall not interfere with normal radio/television reception in the area. In the event interference occurs, it shall be the sole responsibility of the owner to rectify the situation with the parties involved.

### B. Wireless Communications Support Structures (Towers) Less Than 100 Feet in Height.

Wireless communications support structures (towers) which are less than one hundred (100) feet in height are a permitted use which are approved by the Zoning Administrator and require a zoning permit. The wireless support structure shall be set back not less than a distance equal to the height of the wireless support structure measured from the base to all points on each property line.

### C. New Wireless Communications Facilities with Support Structure (Tower) 100 Feet or Greater in Height and Ground-Mounted Wireless Communications Facilities.

New Wireless Communications Facilities with Support Structure (Tower) which are one hundred (100') feet or greater in height and Ground-Mounted Wireless Communications Facilities are a Special Use and shall be evaluated using the procedures stated in **subsection D** below and shall comply with the standards listed in **subsection E** below. Any other type of Wireless Communications Facility that does not fall under **subsections B** or **C** shall be classified as falling under **subsection C**.

### D. Special Use Approval Procedure.

An application for Special Use approval of wireless communications support structures shall include all information required by **Section 5.05 (Site Plan Data Required)**.

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1. After an application for a Special Use approval is filed, the Zoning Administrator shall determine whether the application is administratively complete. The application shall be considered to be administratively complete when the Zoning Administrator makes that determination or fourteen (14) business days after the Zoning Administrator receives the application, whichever is first.
2. If, before the expiration of the 14-day period under [subsection D.1](#), the Zoning Administrator notifies the applicant that the application is not administratively complete, specifying the information necessary to make the application administratively complete, or notifies the applicant that a fee required to accompany the application has not been paid, specifying the amount due, the running of the 14-day period under [subsection D.1](#) 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.
3. After the application is deemed complete, a public hearing shall be held. The notice of the public hearing shall be given pursuant to [Section 9.05](#).
4. After a public hearing is held, the Planning Commission shall conduct a site plan review using the Site Plan Review Standards in [Section 5.07](#), the Special Use standards in [Section 6.04](#), and the standards contained in [subsection E](#) (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.

### E. Submittal Requirements and Approval Standards. *Amended 6/13/23; Effective 6/28/23*

The following site development standards shall apply to all new Wireless Facilities with Support Structures (Towers) one hundred (100) feet or greater in height or Ground-Mounted Wireless Communications Facilities (Ground Stations or Earth Stations) in the Township.

1. **Ownership.** The Applicant shall provide documentation to the Planning Commission that clearly establishes the legal ownership of the Wireless Communications Facility.
2. **Feasible Co-Location.** The applicant shall demonstrate whether or not it is not 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 townships. The Township reserves the right to deny a permit for a new tower if any existing tower can be adapted to serve the expressed need.
3. **Required Plans.** Wireless Communications Facilities and alternative tower structures and antennas require a site plan and a decommissioning plan. Installations shall be enclosed by a six (6') foot fence to prevent unauthorized access to the site.
4. **Visual Impact.** The application for approval for the wireless support structure shall include a visual impact analysis, prepared by the applicant, which includes graphic depictions of the

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anticipated visual appearance of the tower from important vantage points in the surrounding area. Methods used in preparing the analysis shall be reviewed and approved by the Zoning Administrator.

### 5. Height and Construction.

- a. A wireless support structure 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.
- b. The Wireless Communications Facility and any ancillary building housing equipment needed for operation of the facility shall not exceed the floor area and height minimally necessary for such equipment, and shall be of a size, type, color, and exterior materials which are aesthetically and architecturally compatible with the surrounding area, and as minimally obtrusive as possible. Landscape screening may be required by the Planning Commission to accomplish screening of ancillary equipment buildings.

### 6. Lighting.

- a. The applicant shall provide documentation of any lighting to be installed on the wireless support structure.
  - b. The color and intensity of lighting required by [Federal Communications Commission \(FCC\)](#), [Federal Aviation Administration \(FAA\)](#), or [Michigan Aeronautics Commission \(MAC\)](#) regulations shall be as unobtrusive as possible and must cause the least disturbance to the surrounding properties.
  - c. Lighting shall not be strobe lighting or other intermittent white lighting fixtures unless expressly required by state or federal regulations. such intermittent lighting shall be alternated with steady red lights at night if acceptable to state or federal regulations.
  - d. Radar-activated obstruction lighting system shall be utilized, if available and if permitted by the FAA.
7. **Color.** Wireless support structures shall be colored so as to be as unobtrusive as possible. The coloring of wireless support structures in alternate bands of color shall be permitted only if specifically required by [Federal Communications Commission \(FCC\)](#), [Federal Aviation Administration \(FAA\)](#), or [Michigan Aeronautics Commission \(MAC\)](#) regulations. If alternate band coloring is required by FCC, FAA, or MAC regulations, the applicant shall provide documentation of such requirements and regulations.
8. **Signs.** No signs other than signs required pursuant to federal, state, or township ordinance shall be allowed on a Wireless Communications Facility.
9. **Landscaping.** The lot shall be landscaped and maintained.

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10. **Setback Requirements.**

- a. **Wireless Support Structures (Towers).** The wireless support structure shall be set back at least a distance equal to the height of the wireless support structure measured from the base to each lot line of non-participating lots.
- b. **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 non-participating lots. The Planning Commission may reduce the required setbacks if it is determined that such reduction will not adversely affect neighboring property.
- c. The Planning Commission may grant a waiver to the setback in subsection 10 upon the following findings:
  - (1) Granting the 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 waiver will not otherwise impair the public health, safety, and general welfare of the residents.
  - (3) Granting the waiver will uphold the spirit and intent of this Ordinance.

A request for waiver shall be considered as part of the Special Use permit process. The need/reason for the waiver shall be provided, in writing, by the applicant.

11. **FCC/FAA/Other Regulations.** The applicant shall provide documentation of conformance with any **Federal Communications Commission, Federal Aviation Administration, or Michigan Aeronautics Commission** regulations. The wireless support structure shall comply with **1959 PA 259**, as amended, (**Michigan Tall Structures Act**, being MCL 259.481 et. seq.).

12. **Removal of Abandoned Wireless Support Structure.** If the owner of a Wireless Communications Facility intends to abandon and, in fact, does abandon said facility by not operating it for a continuous period of twelve (12) consecutive months, then said facility shall be considered abandoned, and the owner of such Wireless Communications Facility shall remove the same within one hundred eighty (180) days of receipt of notice from the Township of such abandonment. 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 one (1) year extension beyond the one hundred eighty (180) day period. 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. In addition to removing the Wireless Communications Facility, the owner shall restore the site to its original condition. Any foundation shall be removed to a minimum depth of five (5') feet below the final grade and site vegetation shall be restored. Failure to remove an abandoned Wireless

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Communications Facility within the one hundred eighty (180) day period after notification of abandonment provided in this subsection and no request for extension has been received shall be grounds for the Township to remove the Wireless Communications Facility at the owner's expense.

13. **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 wireless communications facility and soil stabilization.
- (3) The method of ensuring that funds will be available for site decommissioning and stabilization (performance guarantee in the form of surety bond, irrevocable letter of credit, or cash deposit – pursuant to [Section 9.04](#)).

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 Township Board. The amount of the performance guarantee shall be increased based on an inflation rate equal to the average of the previous ten (10) years Consumer Price Index. A wireless communications 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.

F. **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.

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2. **Special Use 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 Planning Commission as a Special Use 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 subdivision (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 Special Use 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. The Planning Commission shall base their review of the request on the standards contained in [Sections 5.07](#) and [Section 6.04](#); provided, however, that a denial shall comply with all of the following:
    - (1) The denial is supported by substantial evidence contained in a written record that is publicly released contemporaneously.
    - (2) There is a reasonable basis for the denial.
    - (3) The denial would not discriminate against the applicant with respect to the placement of the facilities of other wireless providers.
  - c. In addition to the provisions set forth in [subsection b](#), in the 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:

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- (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 Planning Commission may impose reasonable requirements regarding the appearance of facilities, including those relating to materials used or arranging, screening, or landscaping.
- (4) The Planning Commission may impose spacing, setback, and fall zone requirements substantially similar to spacing, setback, and fall zone requirements imposed on other types of commercial structures of a similar height in a similar location.
- d. Within one (1) year after a zoning approval is granted, a small cell wireless provider shall commence construction of the approved structure or facilities that are to be operational for use by a wireless services provider, unless the 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.

### Section 7.07 Sexually-Oriented Businesses

The purpose and intent of this Section pertaining to the regulation of sexually oriented businesses is to regulate the location and operation of, but not to exclude, sexually-oriented businesses within the Township, and to minimize their negative secondary effects. It is recognized that sexually-oriented businesses, because of their very nature, have serious objectionable operational characteristics which cause negative secondary effects upon nearby residential, educational, religious, and other similar public and private uses. The regulation of sexually-oriented businesses is necessary to ensure that their negative secondary effects will not contribute to the blighting and downgrading of surrounding areas and will not negatively impact the health, safety, and general welfare of Township residents. The provisions of this Ordinance are not intended to offend the guarantees of the First Amendment to the United States Constitution or to deny adults access to sexually oriented-businesses and their products, or to deny sexually-oriented businesses access to their intended market. Neither is it the intent of this Ordinance to legitimize activities which are prohibited by Township ordinances, state or federal law. If any portion of this Ordinance relating to the regulation of sexually oriented businesses or referenced in those sections is found to be invalid or unconstitutional by a court of competent jurisdiction, the Township intends said portion to be disregarded, reduced, and/or revised so as to be recognized to the fullest extent possible by law. The Township further states that it would have passed and adopted what remains of any portion of this Ordinance relating to regulation of sexually oriented businesses following the removal, reduction, or revision of any portion so found to be invalid or unconstitutional.

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- A. No sexually-oriented business shall be permitted in a location in which any main or accessory building or structure, including signs, is within one thousand (1,000') feet of any main or accessory building or structure of another sexually-oriented business.
- B. No sexually-oriented business shall be established on a parcel which is within one thousand (1,000') feet of any parcel zoned for or used for residential use.
- C. The proposed use shall conform to all specific density and setback regulations of the zoning district in which it is located.
- D. The proposed use must meet all applicable written and duly promulgated standards of Hawes 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.
- E. 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.
- F. 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.
- G. Entrances to the proposed sexually-oriented business must be posted on both the exterior and interior walls, in a location clearly visible to those entering and exiting the business, and using lettering no less than two (2") inches in height that: (1) "persons under the age of 18 are not permitted to enter the premises", and 2) "No alcoholic beverages of any type are permitted within the premises unless specifically allowed pursuant to a license duly issued by the Michigan Liquor Control Commission."
- H. No product or service for sale or gift, or any picture or other representation of any product or service or gift, shall be displayed so as to be visible from the nearest adjoining roadway or a neighboring property.
- I. Hours of operation shall be limited to 12:00 PM (noon) to 12:00 AM. (Midnight)
- J. Any booth, room, or cubicle available in any sexually-oriented business, excepting an adult motel, used by patrons for the viewing of any entertainment characterized by the showing of Specified Anatomical Areas or Specified Sexual Activities:
  - 1. Shall be handicap accessible to the extent required by the [Americans With Disabilities Act](#);
  - 2. Shall be unobstructed by any door, lock, or other entrance and exit control device;
  - 3. Has at least one (1) side totally open to a public, lighted aisle so that there is an unobstructed view at all times from the adjoining aisle of any occupant;

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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.

### K. Review Procedures 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. If the Planning Commission determines that a Special Use application for a sexually-oriented business is not complete when it is first presented to the Planning Commission, it shall provide written notice by first-class mail within five (5) business days of said determination detailing the items required to complete the application. Upon payment of a new filing fee, the applicant may resubmit the amended application for review by the Planning Commission for completeness.
2. If the Planning Commission determines that the application is complete, it shall, within sixty (60) days of said determination, make and adopt specific findings with respect to whether the proposed sexually-oriented business is in compliance with the standards designated in this Ordinance. 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.

## Section 7.08 Wind Energy Systems

### A. Purpose.

The purpose of this Section is to preserve the beauty and character of Hawes Township while recognizing the desirability of developing the potential for wind energy and to provide the residents with a safe environment and with an unobstructed skyline as possible.

This Section includes regulations for small on-site wind energy systems (residential, commercial, and agricultural) and commercial/utility-scale wind energy systems. Anemometer towers may be constructed by commercial enterprises to evaluate wind conditions prior to the construction of commercial wind turbines or other devices. Most wind energy conversion systems currently are wind turbines.

### B. On-Site Wind Energy Systems.

The following site development standards shall apply to all on-site wind energy systems in the Township. An on-site wind energy conversion system which is intended to primarily serve the needs of the property upon which it is located shall be considered an accessory structure and is a Special Use.

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1. On-Site Wind Energy Systems must be professionally designed and installed.
2. **Number on Parcel.** One (1) on-site wind energy system is permitted per parcel.
3. **Tower Height.** The tower height shall be limited to one hundred (100') feet. In the case of roof-mounted wind energy systems, the height of the tower shall be measured from the ground.
4. **Blade Clearance.** There shall be a minimum vertical blade tip clearance from the ground of twenty (20') feet (for ground-mounted wind energy systems).
5. **Guy Wires.** If the on-site wind energy system is supported by guy wires, such wires shall be visible to a height of at least six (6') feet above the ground.
6. **Setbacks.** Each on-site wind energy system shall be set back from an adjoining lot line or a public or private road right-of-way at least a distance equal to the total height of the wind turbine. The Planning Commission may reduce the setback if the neighboring property is under the same ownership or based on other factors such as topography specific to the site. No part of the wind turbine, including guy wire anchors, may extend closer to the property line than the required setback for the district in which the unit is located.
7. **Visual Impact.** Wind turbine towers and rotating blades or mechanisms shall be a non-reflective, non-obtrusive neutral color. The appearance of the wind turbine shall be maintained throughout the life of the system.
8. **Noise.** On-site wind energy systems shall not cause a sound pressure level in excess of fifty-five (55) dB(A) or in excess of five (5) dBA above the background noise, whichever is greater, as measured at the nearest property line. This level may be exceeded during short-term events such as utility outages and severe wind storms.
9. **Vibration.** On-site wind energy systems shall not cause vibrations through the ground which are perceptible beyond the property line of the parcel on which it is located.
10. **Reception Interference.** On-site wind energy systems shall not cause interference with television, microwave, navigational, or radio reception to neighboring areas.
11. **Shadow Flicker.** On-site wind energy systems shall not cause shadow flicker upon any structure on a neighboring property.
12. **Potential Ice Throw.** The potential ice throw or ice shedding for the wind turbine shall not cross the property lines of the site nor impinge on any right-of-way or overhead utility line.
13. **Safety.** An on-site wind energy system shall have an automatic system to prevent uncontrolled rotation.

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14. **Other Regulations.** On-site wind energy systems shall comply with all applicable State construction and electrical codes, **Federal Aviation Administration** requirements, **Michigan Aeronautics Commission** requirements, the **Michigan Tall Structures Act** (1959 PA 259, as amended), and the **Michigan Public Service Commission** and **Federal Energy Regulatory Commission** standards.

### C. Utility-Scale or Commercial Wind Energy Systems and Anemometer Towers.

*Amended 6/13/23; Effective 6/28/23*

Anemometer towers and wind energy systems consisting of one (1) or more wind turbines whose main purpose is to supply electricity to off-site customers shall be allowed as a Special Use and shall adhere to the following requirements in addition to the requirements contained in **Article 6**.

1. **Main Use or Accessory Use.** A wind energy system or anemometer tower may be considered either a main use or an accessory use. A different existing use or an existing structure on the same parcel shall not preclude the installation of a wind energy system or a part of such system on such parcel. Wind energy systems that are constructed and installed in accordance with the provisions of this Section shall not be deemed to constitute the expansion of a nonconforming use or structure.
2. **Sufficient Wind Resources.** The proposed site shall have documented annual wind resources sufficient for the operation of the proposed wind energy system; provided, however, this standard shall not apply to an anemometer tower. No wind energy system 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.
3. **Minimum Site Area.** The minimum site area for a wind energy system or an anemometer tower erected prior to a wind energy system shall be as necessary to meet required wind energy setbacks and any other standards of this Section.
4. **Setbacks.** Each proposed wind turbine or anemometer tower shall meet the following applicable setback requirements:
  - a. **Setback from Property Line.** Each wind energy system shall be set back from the lot line of any non-participating lot at least a distance equal to the total height of the wind turbine including the top of the blade in its vertical position.
  - b. **Setback from Road.** In addition to the above, a wind turbine shall, in all cases, be set back from a public or private road right-of-way at least a distance equal to the height of the wind turbine total height as defined in the Ordinance.

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- c. **Setback from Structures.** Each wind turbine shall be setback from the nearest inhabited structure a distance at least one and one-half (1½) times the total height of the wind turbine.
  - d. **Setback from Communication and Power Lines.** Each wind turbine shall be set back from the nearest above-ground public electric power line or telephone line a distance at least four hundred (400') feet or one and one-half (1 ½) times the total turbine height, whichever is greater, determined from the existing power or communications lines.
  - e. **Building Setbacks.** Setbacks for buildings accessory to a wind energy system shall conform to the setbacks of the district.
5. **Maximum Height.** The maximum wind turbine height or the height of an anemometer tower erected prior to the wind turbine shall be determined on a case by case basis. The applicant shall demonstrate compliance with the [Michigan Tall Structures Act](#) (1959 PA 259, as amended), [FAA](#) guidelines, and [Michigan Aeronautics Commission](#) guidelines as part of the approval process.
  6. **Tower Separation.** Wind turbine separation distance shall be based on 1) industry standards, 2) manufacturer recommendation, and 3) the characteristics (prevailing wind, topography, etc.) of the particular site location. At a minimum, there shall be a separation between the towers of not less than three (3) times the turbine rotor diameter. Documents shall be submitted by the developer/manufacturer confirming specifications of tower separation.
  7. **Minimum Ground Clearance.** The lowest point of the arc created by rotating wind vanes or blades on a wind turbine shall be no less than twenty (20') feet.
  8. **Maximum Noise Levels.** The sound pressure level generated by the wind energy system shall not exceed fifty-five (55) dB(A) (Leq (1 hour)) measured the lot line of non-participating lots. If the ambient sound pressure level exceeds fifty-five (55) dB(A) (Leq (1 hour)), the standard shall be ambient plus five (5) dB(A) (Leq (1 hour)).
  9. **Maximum Vibrations.** Any proposed wind energy system shall not produce vibrations through the ground humanly perceptible on non-participating lots.
  10. **Potential Ice Throw.** The potential ice throw or ice shedding for the wind energy system shall not cross the lot line of non-participating lots nor impinge on any right-of-way or overhead utility line.
  11. **Signal Interference.** No wind energy system shall be installed in any location where its proximity with existing fixed broadcast, retransmission, or reception antennas for radio, television, navigation, wireless phone, or other personal communication systems would produce electromagnetic interference with signal transmission or reception. No wind energy system shall be installed in any location along the major axis of an existing microwave

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communications link where its operation is likely to produce electromagnetic interference with the link's operation. The wind energy system comply with all **Federal Communications Commission** regulation.

### 12. Visual Impact, Lighting, Power Lines.

- a. Wind turbines shall be mounted on tubular towers, painted a non-reflective, non-obtrusive neutral color. The appearance of turbines, towers, and buildings shall be maintained throughout the life of the wind energy system pursuant to industry standards (i.e. condition of exterior paint, signs, landscaping). A certified registered engineer and authorized factory representative shall certify that the construction and installation of the wind energy system meets or exceeds the manufacturer's construction and installation standards.
- b. The design of the wind energy system's buildings and related structures shall, to the extent reasonably possible, use materials, colors, textures, screening, and landscaping that will blend facility components with the natural setting and the environment existing at the time of installation.
- c. Wind turbines shall not be artificially lighted, except to the extent required by the **FAA** or the **MAC** or other applicable authority, or otherwise necessary for the reasonable safety and security thereof. If lighting is required, the lighting alternatives and design chosen:
  - (1) Shall be the intensity required under state or federal regulations.
  - (2) Shall not be strobe lighting or other intermittent white lighting fixtures, unless expressly required by state or federal regulations. Such intermittent lighting shall be alternated with steady red lights at night if acceptable to state or federal regulations.
  - (3) May be a red top light that does not pulsate or blink.
  - (4) All tower lighting required by state or federal regulations shall be shielded to the extent possible 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. Wind turbines shall not be used to display any advertising except the reasonable identification of the manufacturer or operator of the wind energy system.
- e. The electrical collection system shall be placed underground within the interior of each parcel at a depth designed to accommodate the existing agricultural land to the maximum extent practicable. The collection system may be placed overhead adjacent to state and county roadways, near substations or points of interconnection to the electric grid, or in other areas as necessary.

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- f. Wind energy power transmission lines located within Wind Energy Resource Zones for which an Expedited Siting Certificate is issued by order of the **Michigan Public Service Commission** under the **Clean and Renewable Energy and Energy Waste Reduction Act, 2008 PA 295**, as amended, are exempt from local zoning regulations.

**13. Shadow Flicker.**

- a. The wind turbine shall be designed in such a manner as to minimize shadow flicker on a roadway. The wind turbine shall be designed in such a manner as to prevent shadow flicker on any existing structures located on non-participating lots. Shadow flicker shall not exceed thirty (30) hours per year measured to the exterior wall of a dwelling or other occupied dwelling on a non-participating parcel. If necessary to prevent shadow flicker from crossing occupied structures, the wind turbine may be programmed to stop rotating during times when the wind turbine shadow crosses these structures. The wind turbine operator may obtain written agreements which allow shadow flicker to cross an occupied structure.
- b. The Planning Commission may require the applicant to conduct an analysis of potential shadow flicker at occupied structures if it deems such an analysis necessary. The analysis shall identify the locations of shadow flicker that may be caused by the project and the expected durations of the flicker at these locations from sunrise to sunset over the course of a year. The analysis shall identify problem areas where shadow flicker may affect the occupants of the structures and describe measures that shall be taken to eliminate or mitigate the problems.

**14. Safety.**

- a. All collection system wiring shall comply with all applicable safety and stray voltage standards.
- b. Wind turbines shall not be climbable shall not be climbable up to fifteen (15') feet above the ground surface.
- c. All access doors to wind turbines and electrical equipment shall be lockable.
- d. Visible, reflective, colored objects, such as flags, reflectors, or tape shall be placed on the anchor points of guy wires and along the guy wires up to a height of ten (10') feet above the ground.
- e. Appropriate warning signs shall be placed on wind turbine towers, electrical equipment, and facility entrances.
- f. All wind turbines shall be equipped with controls to control the rotational speed of the blades within design limits for the specific wind turbine.

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15. **State or Federal Requirements.** Any proposed wind energy system and 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**, **Federal Energy Regulatory Commission**, and any other agency of the state or federal government with the authority to regulate wind energy systems or other tall structures in effect at the time the Special Use is approved.
16. **Hazard Planning.** An application for a wind energy system shall be accompanied by a hazard prevention plan. Such plan shall contain:
- a. Certification that the electrical wiring between turbines and between turbines and the utility right-of-way does not pose a fire hazard.
  - b. Location of landscaping to be designed to avoid 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. A listing of any hazardous fluids that may be used on-site shall be provided, including Material Data Safety Sheets (MDSS).
  - d. Certification that the turbine has been designed to contain any hazardous fluids shall be provided.
  - e. A statement certifying that the wind turbine shall be routinely inspected to ensure that no fluids are released from the wind turbine.
17. **Approvals.** All required approvals from other local, regional, state, or federal agencies must be obtained prior to approval of a site plan. In the case where site plan approval is a requirement for other local, regional, state, or federal agency approval, evidence of such shall be submitted with the site plan.
18. **Decommissioning Plan Required.**
- a. A decommissioning plan is required at the time of application. 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 wind turbine and soil stabilization.

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(3) The method of ensuring that funds will be available for site decommissioning and stabilization (performance guarantee in the form of surety bond, irrevocable letter of credit, or cash deposit), pursuant to [Section 9.04](#).

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 Township Board. The amount of the performance guarantee shall be increased based on an inflation rate equal to the average of the previous ten (10) years Consumer Price Index.

19. **End of Useful Life.** At the end of the useful life of the wind energy system, the system owner:

a. Shall follow the decommissioning plan approved by the Planning Commission and remove the system as indicated in the most recent approved plan; or,

b. Amend the decommissioning plan with Planning Commission approval and proceed with **subsection a** above; or,

c. The Township reserves the right to approve, deny, or modify an application to modify an existing wind energy facility at the end of useful life, in whole or in part, based on ordinance standards at the time of the request. Expenses for legal services and other studies resulting from an application to modify or repower a wind energy system will be reimbursed to the Township by the wind energy facility owner in compliance with established escrow policy.

20. **Removal of Abandoned Wind Turbines.** If a wind energy system or anemometer tower operator that intends to abandon, and, in fact, does abandon said system or tower by not operating it for a continuous period of one (1) year, it shall be considered abandoned, and the owner of such wind energy system or anemometer tower shall remove the same within one hundred eighty (180) days of notification of abandonment. 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 one (1) year extension beyond the one hundred eighty (180) day period. If a site has been deemed abandoned and no request for an extension is received, the applicant/permit holder will again be notified to dismantle the site and return it to its original state. If the applicant/permit holder does not do this, the Township will have the removal and restoration done at the owner/applicant's expense.

a. In addition to removing the wind energy system or anemometer tower, the owner shall restore the site of the wind energy system or anemometer tower to its original condition prior to location of the wind energy system or anemometer tower, subject to reasonable wear and tear. Any foundation associated with a wind energy system or anemometer tower shall be removed to a minimum depth of five (5') feet below the final grade and site vegetation shall be restored.

21. **Repowering.** In addition to repairing or replacing components to maintain the system, a wind energy facility may at any time be repowered, without the need to apply for a new Special Use

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permit, by reconfiguring, renovating, or replacing the wind energy components to increase the power rating within the existing project footprint. A proposal to change the project footprint of an existing wind 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 wind energy facility will be reimbursed to the Township by the wind energy facility owner in compliance with established escrow policy.

### Section 7.09 Solar Energy Panels (Accessory)

*Amended 6/13/23; Effective 6/28/23*

Solar energy panels shall be allowed as an accessory use in all zoning districts subject to the requirements below. A plot plan pursuant to [Section 5.02](#) shall be submitted to the Zoning Administrator. A zoning permit is required following review by the Zoning Administrator. Repair or replacement of an existing panel does not require a review or permit provided there is no change in size, height, or coverage area.

#### A. Height.

1. Ground-mounted accessory solar energy panels shall not exceed twenty (20') feet in height when oriented at maximum tilt (measured from the ground at the base of the equipment).
2. Building-mounted accessory solar energy panels may exceed the maximum allowed building height in any zoning district by two (2') feet.

#### B. Yard Location and Setbacks.

1. Ground-mounted accessory solar energy panels shall adhere to accessory building setbacks in [Section 3.09](#).
2. Ground-mounted accessory solar energy panels may be located in the front yard only upon review and approval by the Planning Commission and a determination that insufficient solar access exists in the rear or side yards.
3. Building-mounted accessory solar panels may project into the setback for a maximum of one (1') foot.

#### C. Glare.

Panels shall not result in glare onto adjoining properties or public rights of way.

#### D. Installation.

1. Solar energy panels that are building-mounted shall be permanently and safely attached to the building or structure.

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2. Solar energy panels that are ground-mounted shall be safely attached to the ground.
3. Solar energy panels that are mounted on the roof of a building shall be safely supported by the roof according to the manufacturer’s specifications.
4. Solar energy panels shall be installed, maintained, and used only in accordance with the manufacturer’s specifications.
5. Solar energy panels shall comply with building code, electrical code, and all other applicable regulations.

### E. Nonconformities.

1. Building-mounted accessory solar energy panels installed on a nonconforming building or nonconforming use shall not be considered an expansion of the nonconformity.
2. Ground-mounted accessory solar energy panels installed on a nonconforming lot or nonconforming use shall not be considered an expansion of the nonconformity.

### F. Building-Integrated.

Building integrated solar panels (which are incorporated into the building materials) are not subject to this Section, do not require a zoning permit, and are only subject to the standards related to the building itself.

## Section 7.10 Solar Energy Facilities (Utility-Scale/Commercial)

*Amended 6/13/23; Effective 6/28/23*

A site plan review by the Planning Commission is required for solar energy facilities.

### B. Reflection/Glare.

Solar collection devices, or combination of devices, shall be designed and located to avoid glare or reflection onto adjacent properties and adjacent roadways and shall not interfere with traffic or create a safety hazard. This may be accomplished by both the placement and angle of the collection devices as well as human-made or environmental barriers. Glare intensity is considered an issue if it measures more than twenty (20%) percent of the incident sun intensity. Plans to reduce glare may be required as part of the site plan submitted.

### C. Groundcover and Impervious Surface/Stormwater.

1. 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

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quality protection measures shall be provided. Any necessary permits from outside agencies for off-site discharge shall be provided.

2. 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 soil stabilization through groundcover.

### D. Screening.

Solar collection devices shall be screened year-round from view from any residential district by use of a masonry screen wall, evergreen vegetation, or other screening of a similar effectiveness and quality, if determined as necessary 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.

### E. Setbacks.

The setbacks of all solar collection devices and ancillary equipment shall be at least fifty (50') feet from all property lines of non-participating lots. Solar collection devices will be kept at least one hundred (100') feet from any residence.

### F. Installation.

Solar collection devices shall be installed, maintained, and used only in accordance with the manufacturer's specifications.

### G. Wiring.

Wiring (including communication lines) may be buried underground. Any above-ground wiring within the footprint of the solar energy facilities shall not exceed the height of the solar panels at maximum tilt.

### H. Sound.

The sound pressure level of a solar energy facility and all ancillary solar equipment shall not exceed fifty-five (55) dBA (Leq (1 hour)) at the property 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.

### I. Fencing.

Solar energy facilities may be secured with perimeter fencing to restrict unauthorized access. Fencing is not subject to setbacks in [subsection D](#). The Planning Commission may require wildlife-friendly fencing.

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### J. 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.

### K. 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 from those temporary roadways once the solar energy facility is in operation.

### L. Agricultural Protection.

For sites where agriculture is a permitted use in a district, solar energy facilities shall be sited to minimize impacts to agricultural production through site design and accommodations including the following, where feasible:

- i. The ground mounting of panels by screw, piling, or a similar system that does not require a footing, concrete, or other permanent mounting in order to minimize soil compaction.
- ii. Siting panels to avoid disturbance and compaction of farmland by siting panels along field edges and in nonproduction areas to the maximum extent practicable and financially feasible.
- iii. Maintaining all drainage infrastructure on site, including drain tile and ditches, during the operation of the solar energy facility.
- iv. Siting the solar energy facility to avoid isolating areas of the farm operation such that they are no longer viable or efficient for agricultural production, including, but not limited to, restricting the movement of agricultural vehicles/equipment for planting, cultivation, and harvesting of crops, and creating negative impacts on support infrastructure such as irrigation systems or drains.
- v. Voluntarily purchasing agricultural conservation easements from an equivalent number of prime farmland acres consistent with a purchase of development rights ordinance adopted in the Township.

### M. 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 proposal to change the project footprint of an existing solar energy facility shall be

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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.

### N. Abandonment.

If a solar energy facility operator has an intent to abandon, and, in fact, does abandon a solar energy facility by not utilizing said facility to produce power for one (1) year, it 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 within a period of one hundred eighty (180) days after notification of abandonment. 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 one (1) year extension beyond the one hundred eighty (180) day period. If a site has been deemed abandoned and no request for an extension is received, the applicant/permit holder will again be notified to dismantle the site and return it to its original state. If the applicant/permit holder does not do this, the Township will have the removal and restoration done at the owner's expense. Removal shall include removing posts, equipment, panels, foundations, and other items so that the ground is restored to its preconstruction state and is ready for development as another land use.

### O. Performance Guarantee.

The Planning Commission may require the applicant to furnish the Township with a performance guarantee pursuant to [Section 9.04](#) in an amount equal to the estimated costs associated with dismantling the site and returning it to its original state in the event of abandonment.

### P. 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 and soil stabilization.
- (3) The method of ensuring that funds will be available for site decommissioning and stabilization (performance guarantee in the form of surety bond, irrevocable letter of credit, or cash deposit – pursuant to [Section 9.04](#)).

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

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approved by the Township Board. The amount of the performance guarantee shall be increased based on an inflation rate equal to the average of the previous five (5) years Consumer Price Index. A solar energy facility owner may at any time:

- (2) Proceed with the decommissioning plan approved by the Planning Commission and remove the system as indicated in the most recent approved plan; or
- (3) Amend the decommissioning plan with Planning Commission approval and proceed according to the revised plan.

**Section 7.11 Biofuel Production Facilities on Farms**

A. In conformance to the Michigan Zoning Enabling Act, 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 (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.1c](#).
  - 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.

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- b. A description of the process to be used to produce biofuel.
  - c. The number of gallons of biofuel anticipated to be produced annually.
  - d. An emergency access and fire protection plan that has been reviewed and approved by the appropriate responding police and fire departments.
  - e. For an ethanol production facility that will produce more than ten thousand (10,000) proof gallons annually, completed [United States Department of the Treasury, Alcohol and Tobacco Tax and Trade Bureau](#), forms 5000.29 (environmental information) and 5000.30 (supplemental information on water quality considerations under 33 USC 1341(a)), or successor forms, required to implement regulations under the [National Environmental Policy Act of 1969](#), 42 USC 4321 to 4347, and the [Federal Water Pollution Control Act](#), 33 USC 1251 to 1387.
  - f. Information that demonstrates that the biofuel production facility will comply with the requirements of [subsections 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 Department of Environment, Great Lakes and Energy and other 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:

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- (a) Raw materials and fuel.
- (b) Additional products resulting from biofuel production or the capacity to dispose of additional products through land application, livestock consumption, sale, or other legal use.

B. This Section does not authorize biofuel production facilities that are not located on farms.

**Section 7.12 Medical Marihuana Primary Caregivers**

**A. Purpose and Intent.**

It is the purpose of this Section to give effect to the intent of **Initiated Law 1 of 2008, as amended, (Michigan Medical Marihuana Act** (the MMMA) being MCL 333.26421 et. seq.) and not to establish any local program or regulation that would violate or contravene any enforced state or federal statute. The MMMA authorizes a narrow exception to the general rule and law that the cultivation, distribution, and use of marihuana amount to criminal acts. It is the purpose of this Section to establish standards for the application of that narrow exception in Hawes Township to enable the legitimate and legally-authorized practice of the Primary Caregiver activity as set forth herein. It is not the intent of this Section to broaden the strict interpretation of the MMMA to apply to activities not explicitly provided for therein nor is it the intent of this Section to encourage or sanction the cultivation, processing, refinement, distribution, transfer, or use of marihuana except as permitted by a strict application of the terms of the MMMA and any rules or regulations duly promulgated there under.

**B. Findings.**

This Section is based on the following findings:

1. The voters of the State of Michigan approved by initiative and referendum the use of marihuana by Qualifying Patients for certain medical conditions and established as a legitimate activity that individuals with appropriate credentials (Primary Caregivers) may assist Qualifying Patients in the use of marihuana under the provisions of the MMMA.
2. Despite the provisions of the MMMA, marihuana remains a controlled substance under Federal law and there exists significant potential for abuse and illegal conduct that can threaten the health, safety, and welfare of the residents of the Township.
3. In other states where medical marihuana is similarly permitted but inadequately regulated, there are indications of significant negative secondary effects surrounding places where marihuana is dispensed, processed, or used by groups of people. Such secondary negative effects tend to be exacerbated where multiple marihuana facilities are located and include sale and use of other controlled substances, robberies, assaults, break-ins, vagrancy, and depressed property values.

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4. Hawes Township finds that it has an obligation to residents and property owners to effectively mitigate potential secondary impacts that could result from the Primary Caregiver activity.

### C. Permitted Use.

The activities of a registered Primary Caregiver as defined in the MMMA and further regulated in this Section and a Primary Caregiver Facility, as defined in this Ordinance, shall be a permitted use in all zoning districts. No zoning permit is required. Standards contained in **subsection D** below shall be adhered to.

### D. Standards.

1. **Primary Caregiver Facility.** The Primary Caregiver Facility shall be operated in compliance with **Initiated Law 1 of 2008, as amended, (Michigan Medical Marihuana Act** (the MMMA) being MCL 333.26421 et. seq.).
2. **Combined Operations Prohibited.** No more than one (1) Primary Caregiver shall occupy any parcel and combined growing, storage or transfer facilities shall be prohibited. 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.
3. **Isolation Distance.** A Primary Caregiver facility shall be located no closer than fifteen hundred (1,500') feet from any school, religious institution, day care facility, or park. For the purposes of this paragraph, such distances shall be measured in a straight line from the front door of the Primary Caregiver facility to the school, religious institution, day care facility, park, or dwelling.
4. **Glare/Visible Light.** If a room with windows within the primary caregiver facility is utilized to grow marijuana 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.
5. **Dispensing Medical Marihuana.** No medical marihuana shall be dispensed by the Primary Caregiver to Qualifying Patients at the Primary Caregiver facility. The Primary Caregiver shall deliver small quantities, not to exceed two and one-half (2.5) ounces per Qualifying Patient, for the use of such Qualifying Patient and such delivery shall take place on private property away from public view. Any delivery vehicle used for such purposes shall be unmarked and not bear any emblem or sign that would indicate the nature of its cargo.
6. **Prohibited Activities.** All commercial medical marihuana facilities including Provisioning Centers, Growers, Processors, Secure Transporters, and Safety Compliance Facilities as defined in the **Medical Marihuana Facilities Licensing Act, 2016 PA 281**, as amended, are prohibited. All recreational (adult-use) marihuana establishments, as defined in the **Initiated**

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Law 1 of 2018, the Michigan Regulation and Taxation of Marihuana Act, MCL 333.27951 et seq., are prohibited in Hawes Township.

Section 7.13 Planned Unit Developments

A. Purpose.

The intent of a Planned Unit Development (PUD) is to permit more flexibility and consequently encourage a greater imaginative and creative use and design of structures and land than is allowable under the specific districts standards of this Ordinance where such modifications will not be contrary to the intent of this Ordinance or significantly inconsistent with the Master Plan. It is further intended to promote more efficient and economical use of the land while providing a harmonious variety of housing choices, a higher level of amenities, open space, and the preservation of natural scenic qualities.

B. Permitted Uses.

The following uses may be allowed in a PUD. Mixed uses are encouraged.

1. **Residential Uses.** Dwelling units in detached, semi-detached, attached, or multiple-family dwellings or any combination thereof, along with customary accessory uses and structures are permitted in a PUD.
2. **Non-Residential Uses.** Non-residential uses are permitted in a PUD provided that such uses are compatibly and harmoniously incorporated into the unitary design of the PUD.
3. **Development Not Associated with Residential Uses.** A PUD may exclude residential development and allow other commercial, industrial, institutional, cultural, and/or recreational uses if the applicant can demonstrate that the proposed PUD is sufficiently well designed to accomplish the intent of this Ordinance with respect to adjoining land uses both existing and anticipated. A PUD excluding residential uses may not be located in a residential zoning district.

C. Flexibility of District Standards.

Minimum development standards set forth by the original district in which the proposed PUD is located shall act as general guidelines. To encourage flexibility and creativity consistent with the intent of PUD regulations, the Township may permit specific departures from the requirements of the Zoning Ordinance.

D. Development Standards.

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1. **Uses.** Proposed uses should be so designed and located as to promote appropriate interaction between uses and limit or buffer incompatibilities both with other uses within the PUD and existing uses adjacent to the PUD site.
2. **Natural Features.** To the maximum extent feasible, the development shall be designed so as to preserve natural resources and natural features.
3. **Design of Features.** A Planned Unit Development shall be designed so as to provide adequate light, air, privacy, circulation patterns, and public services. Signage, lighting, landscaping, building materials for the exterior of all structures, and other features of the project shall be designed and completed with the objective of achieving an integrated and controlled development, consistent with the character of the community, surrounding development or developments, and natural features of the area.
4. **Open Space.**
  - a. **Common Open Space.** A minimum of twenty (20%) percent of the land developed in any Planned Unit Development project shall be reserved for common open space and recreational facilities for the residents or users of the area being developed. Open space and recreational areas shall be areas which are usable to the residents and shall not consist of roads, parking areas, on-site drainage, and the like. The open space shall be disposed of as required in [subsection D.4.b](#) below. The Planning Commission may waive or reduce this requirement during the approval process.
  - b. **Disposition of Open Space.** The required amount of common open space land reserved under a Planned Unit Development shall either be held in corporate ownership by owners of the project area for the use of each owner who buys property within the development or be dedicated to and accepted by the Township and retained as common open space for parks, recreation, and related uses. All land dedicated to the Township must meet the Planning Commission's requirements as to size, shape, and location. Public utility and similar easements and rights-of-way for water courses and other similar channels are not acceptable for common open space dedication to the Township unless such land or right-of-way is usable as a trail or other similar purpose and approved by the Planning Commission. The responsibility for the maintenance of all open spaces shall be specified by the developer before approval of the final development plan.
5. **External Effects.** A Planned Unit Development shall be designed so as not to create any significant negative impact upon adjacent properties, residents, or public facilities.
6. **Perimeter Setback.** The Planning Commission may require a setback from the perimeter of the PUD property.

### E. Review and Approval.

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1. **Pre-Application Meeting.** The developer shall meet with the Zoning Administrator, Planning Commission Chair, and/or Planning Commission prior to the submission of the development plan. The purpose of this meeting is to discuss, early and informally, the purpose and effect of this Ordinance and the criteria and standards contained herein, and to obtain feedback on the preliminary proposal.
2. **Combined Preliminary and Final Site Plan Approval Option.** The applicant has the option to combine the Preliminary and Final Site plan approval processes into one approval process.
3. **Submission of Preliminary Site Plan.** The applicant shall submit ten (10) copies of a preliminary site plan which shall include:
  - a. General footprint of proposed and existing buildings.
  - b. Indication of proposed uses and their general locations.
  - c. General layout of streets, drives, parking areas, and pedestrian paths.
  - d. Individual parcels, if applicable.
  - e. Proposed setbacks for district perimeters and individual buildings within the development.
  - f. Proposed perimeter buffer zones and screening.
  - g. Conceptual landscape plan.
  - h. Development phases, if applicable.
  - i. Type, estimated number, and density range for residential development.
  - j. Other information as may be deemed necessary by Zoning Administrator or the Planning Commission to properly review the proposal.
  - k. Additional supporting documentation including a written narrative describing the project.
4. **Preliminary Site Plan Approval.**
  - a. **Public Hearing.** The Planning Commission shall conduct a public hearing on the preliminary site plan in accordance with [Section 9.05](#) of this Ordinance.
  - b. **Preliminary Site Plan Approval/Action.** Following the public hearing, the Planning Commission shall approve, deny or approve the preliminary plan subject to specified conditions/revisions.

Once approved, the preliminary site plan shall be valid for a period of two (2) years. If a final site plan for the entire project or a phased portion thereof is not submitted within the two (2)-year time period, the PUD and preliminary site plan shall become null and void. The Planning Commission may approve one (1) extension of up to two (2) years.

**5. Final Site Plan Approval.**

- a. The applicant shall submit ten (10) copies of a final site plan of the entire PUD or phased portion thereof for review and approval.
- b. The final site plan shall include all site plan data required in [Section 5.05](#).
- c. The final submittal shall be prepared incorporating any changes specified as part of the preliminary approval.
- d. The Planning Commission shall conduct a public hearing in accordance with [Section 9.05](#) of this Ordinance.
- e. Following the public hearing, the Commission shall take action on the plan. If approved with conditions, the approval shall indicate whether review and approval of any required modifications shall be made by the Planning Commission or by the Zoning Administrator. Planning Commission approval shall be based on the requirements stated in this Section, site plan approval standards in [Section 5.07](#), Special Use approval standards in [Section 6.04](#), and a finding that the final site plan is consistent with the preliminary site plan approved by the Planning Commission, including any conditions or required modifications.
- f. An approved final site plan shall be valid for three (3) years, during which time all permits necessary for the construction of the approved development shall be obtained. Failure to do so shall require the re-submittal of the previously approved final site plan to the Planning Commission for review and re-approval. The Planning Commission may reject or require modifications to the plan if, in its opinion, conditions on or off-site have changed in such a manner as to necessitate the rejection or modification.
- g. No zoning amendment passed during the time period granted for the approved development plan shall in any way affect the terms under which approval of the Planned Unit Development was granted.

**6. Amendment to an Approved PUD.** Amendments to a final approved site plan for a PUD shall follow the regulations in [Section 5.08](#).

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**Section 7.14 Site Condominium Developments**

**A. Intent.**

The purpose of this Section is to regulate the creation and use of site condominiums within the Township and to promote and protect the health, safety, and general welfare of the public. These regulations and controls shall in no way repeal, annul, or in any way interfere with the provisions and standards of any other state and federal laws and regulations.

**B. General Requirements.**

1. **Compliance with Federal, State, and Local Laws.** All site condominium projects, including manufactured home condominium developments, shall comply with all applicable federal, state, and local laws and ordinances.
2. **Zoning Requirements.** All site condominium projects shall be located within the zoning district that permits the proposed use and shall comply with all zoning requirements of this Ordinance.
  - a. For the purposes of these regulations, each condominium unit in a site condominium shall be considered as a single zoning lot and shall comply with all regulations of the zoning district in which it is located.
  - b. In a site condominium containing single-family detached dwelling units, not more than one (1) dwelling unit shall be located on a single site condominium unit nor shall a dwelling unit be located on a site condominium unit with any other main building or main use. One (1) accessory dwelling unit shall be permitted per site condominium unit.
  - c. Required yards shall be measured from the boundaries of the site condominium unit.
3. **Site Plan Review.** Prior to recording a plat or master deed, site condominiums shall undergo site plan and Special Use review and approval by the Planning Commission in accordance with [Article 5](#) and [Article 6](#) of this Ordinance. Approval under this Ordinance shall be required as a condition to the right to construct, expand, or convert a site condominium project in the Township.
  - a. **Application.**
    - (1) An application for site plan approval shall be filed for review as per the requirements of [Article 5](#) of this Ordinance. All procedures and standards of [Article 5](#) and [Article 6](#) shall apply to site condominium projects.
    - (2) All condominium site plans shall include the information required in Section 66 of [PA 59 of 1978](#), as amended (Condominium Act, being MCL 559.166).

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- (3) The application for site plan review shall also include a copy of the proposed deed restrictions and/or master deed and by-laws to be recorded with the County Register of Deeds for review and approval by the Planning Commission.
  - (4) In the case of single-family detached dwelling units, the location and dimensions of site condominium common elements, limited common elements, and building envelopes, rather than individual buildings and required yards, shall be shown on the site plan.
- b. **Deed Restrictions, Master Deed, By-Laws.**
- (1) The deed restrictions and/or master deed and by-laws shall be reviewed with respect to all matters subject to regulation by the Township, including but not limited to preservation and maintenance of drainage, retention ponds, wetlands, and other natural areas, and maintenance of landscaping in common areas in the project.
  - (2) Also, the deed restrictions and/or master deed and by-laws shall provide for the means by which any private road rights-of-way may be dedicated to the public entity having jurisdiction in the future should such dedication be later deemed appropriate.
- c. **Performance Guarantee.** As a condition of approval of the site plan, the Planning Commission may require performance guarantees by the developer in accordance with the provisions of [Section 9.04](#), to ensure completion of improvements shown upon the site plan. Upon fulfillment of all requirements, the developer shall apply to the Township for release of any remaining performance guarantees.
4. **Easements for Utilities.** Road rights-of-way shall be parcels separate from individual residential units or lots. The rights-of-way shall be for roadway purposes and for the maintaining, repairing, altering, replacing, and/or removing of pipelines, wires, poles, mains, conduits, and other installations of a similar character for the purpose of providing public utilities including electric, communications, water, drainage and sewers, and subject to easements to be dedicated to the Township.
5. **Additional Filings Required.** Subsequent to the recording of the deed restrictions and/or master deed and by-laws, and subsequent to the construction of improvements, the developer shall file the following information with the Township Clerk:
- a. Three (3) copies of the as-built site condominium plans.
  - b. Two (2) copies of the recorded deed restrictions and/or master deed and by-laws with all pertinent attachments.
  - c. Certification from the developer's engineer that improvements have been installed in conformance with the approved construction drawings and monuments.

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**Section 7.15 Mining/Resource Extraction**

The Township shall adhere to Section 125.3205 of the [Michigan Zoning Enabling Act, 2006 PA 110](#), as amended, when regulating mining/resource extraction.

**Section 7.16 Commercial Event Facilities**

A Commercial Event Facility is 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 are not limited to, tents, gazebos, barns, open areas, and residential structures as well as other structures specifically designed to host events. Events for which the owner or operator of the venue receives no fee or other remuneration in connection with the event and no fees are charged to attendees shall not be considered commercial events.

A. Restaurants with banquet facilities where commercial event facilities are accessory to the restaurant shall not be subject to this Section.

**B. Parking.**

No vehicles associated with the event shall be permitted to be parked on public roads. All vehicle parking shall be maintained "on-site." "On-site" is defined as at least one hundred (100') feet from the property boundaries of the parcel on which the event is permitted. Adequate parking shall be provided for the guests of the event and those employed in support of the event. At a minimum, at least one (1) parking space for every four (4) persons attending the event shall be provided for on-site parking. The Planning Commission is authorized to take into account, to the extent it deems practicable, the joint use of parking spaces that may that may exist for a golf course, public restaurant, or other operations on the property during the time of events. The Planning Commission may approve, in its discretion, the use of off-site parking as an alternative with transportation provided to the site by attendees through a commercial transportation service or other method approved by the Planning Commission.

**C. Setbacks.**

The general event area (the actual location(s) in which the gathering is to occur) shall be located three hundred (300') feet from adjacent owners' property lines. All activities associated with the use are to be included within the general event area, the only exception being the parking as allowed by **subsection B** above.

**D. Hours of Operation.**

Year-round operations may be authorized. Events shall commence no earlier than 10 AM and shall terminate no later than midnight. However, the Planning Commission shall have the power to modify the commencement and termination times for a particular site based upon the specifics of the application. For purposes of this Section, "termination" shall mean the termination of food, drinks, service, and entertainment, with the understanding that attendees and servers will need a reasonable

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amount of time after termination to exit the premises.

### E. Amplified Sound.

Sources of amplified sound including, but not limited to, recorded music, live musical performances, and spoken word, shall commence no earlier than 12:00 PM, shall be terminated by 10:00 PM. 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.

### F. Overnight Accommodations.

No overnight accommodations shall be provided in temporary structures such as tents or recreational vehicles. Any Commercial Event Facility which provides overnight accommodations must comply with all applicable codes and laws related to the provision of said accommodations.

### G. Capacity.

No more than five hundred (500) persons are allowed at a Commercial Event Facility.

### H. 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.

### I. Number of Events.

The Planning Commission may limit the number of events allowed per year.

### J. Ingress/Egress.

The site of the Commercial Event Facility shall have at least two (2) means of ingress/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.

### K. Buffers.

The Planning Commission may require appropriate buffers between the Commercial Event Facility and adjoining properties given the size of the parcel, the natural topography, and vegetative cover.

### L. 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.

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### M. Submittal Requirements.

1. In addition to the requirements in [Section 5.05](#), the site plan must show the area of events, 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.

### Section 7.17 Food Trucks

- A. Food trucks regulated by this Section are intended to be stationary establishments. These regulations do not apply to mobile food trucks which distribute goods as they are driving throughout the community (i.e. mobile ice cream truck).
- B. A zoning permit is required for a food truck. The property owner shall submit a plot plan pursuant to [Section 5.02](#). 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 permit is required for all of the food trucks on the property if the application for all proposed food trucks on the property is submitted at the same time. However, if additional food trucks are proposed after the initial approval, a new application shall be required.
- C. Food trucks may be placed as units on a property without a main building or may be placed on a lot in conjunction with a main building.
- D. Grease and liquid waste shall be properly disposed of and may not be disposed of in storm drains or public roads.
- E. All areas within twenty (20') feet of the food truck shall be kept clean and free of debris.

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**Section 7.18 Short Term Rentals**

A short term rental is a single-family dwelling, the whole of which is offered as a residential rental facility for a period of thirty (30) days or less. The owner does not reside on-site. Short term rentals shall comply with the following:

**A. Trash.**

All exterior premises shall be kept free from any accumulation of junk or garbage. Provisions for trash disposal shall be provided. Trash shall be contained in properly sealed receptacles. There shall be no overflow that will be attractive to vermin.

**B. Nuisance.**

Activities on a short term rental property shall not constitute a nuisance to neighboring properties by reason of noise, dust, odor, fumes, glare, lighting, or vibrations.

**C. Parking.**

All parking associated with a short-term rental shall be out of the roadway and entirely on-site, in the garage, driveway, or other improved area.

**D. Traffic.**

Vehicular traffic generated by the short term rental shall not exceed that which would normally be expected in a residential neighborhood.

**E. Trespass.**

Renters shall not trespass onto a neighboring property and shall not utilize docks and other water-related features belonging to neighboring property owners.

**F. Noise.**

Noise during quiet hours must be limited to that which does not disturb the quiet comfort of a reasonable person of normal sensitivities. Quiet hours shall be from 11:00 PM to 8:00 AM.

**G. Fires.**

No person shall start or maintain a fire except within provided devices or locations. Fires shall not be left unattended and must be fully extinguished. Only clean, dry wood may be burned.

**H. Street Address Posted within Dwelling Unit.**

The street address of the property shall be posted in at least two (2) prominent locations within the

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dwelling unit in order to assist occupants in directing emergency service personnel in the event of an emergency. The address should be posted near the kitchen and near any telephone or pool.

### I. Local Agent.

1. Each owner of a short-term rental must designate a local agent who has access and authority to assume management of the unit and take remedial measures.
2. The local agent must be available twenty-four (24) hours a day during the rental period and be located within forty-five (45) minutes travel time of the property (or portion thereof) used for a short-term rental.
3. The Township shall provide the phone number of the local agent to all neighbors within a three hundred (300) foot radius of the subject property boundaries.
4. An owner meeting the requirements of subsections I.1 through I.3 above may designate themselves as the local agent.
5. The permit holder shall notify the Township of any changes in ownership or in the local agent.

### J. Owner Responsibility.

1. The owner or local agent shall require the standards in this Section be met by renters as part of all rental agreements. The owner or local agent shall use best efforts to assure that the occupants or guests of the short-term rental do not violate this Ordinance by notifying the occupants of the rules regarding short-term rentals and taking appropriate action to abate the violation when notified that occupants are violating laws regarding their occupancy. Standards from this Ordinance shall be posted in clear view within the Short Term Rental unit. Failure to take immediate action to abate a violation of this Ordinance may result in forfeiture of the zoning permit. It is not intended that the owner or local agent act as a peace officer or place himself or herself in harm's way.
2. Upon application, the owner or local agent shall sign an affidavit stating that they are aware of the rules and regulations and that they will comply with them.

### K. Zoning Permits.

1. Short-term rentals require a zoning permit. A separate zoning permit is required for each short-term rental property regardless of whether or not the properties are under the same ownership.
2. The following application elements are required prior to receipt of a zoning permit or permit renewal:
  - a. A fully completed and signed Zoning Permit Application form provided by the Township including all the required supplemental documents.

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- b. Owner contact information.
  - a. Contact information for a local agent available by phone twenty-four (24) hours a day, seven (7) days a week whenever the unit is utilized as a rental.
  - c. Where more than one (1) person has an ownership interest, the required information shall be provided for each owner. In those cases in which the owner is not a person, the information required shall be provided for the organization owning the short-term rental dwelling and for the president, general manager, or other chief executive officer of the organization.
- 3. A short-term rental zoning permit shall be issued by calendar year. All permits shall expire at the end of the calendar year and must be renewed each year. If the current owner has not violated the Ordinance, renewal for next year is guaranteed if reapplication is applied for.
  - 4. An annual registration fee shall apply.

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# Article 8

## Zoning Board of Appeals

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### Section 8.01 Creation

The Zoning Board of Appeals shall perform its duties and exercise its powers as provided in the [Michigan Zoning Enabling Act, 2006 PA 110](#), as amended, and in such a way that the objectives of this Ordinance shall be observed, public safety secured, and justice done.

### Section 8.02 Membership

#### A. Regular Members.

1. The Zoning Board of Appeals shall consist of three (3) members appointed by the Township Board.
2. One (1) member shall be a member of the Planning Commission and the remaining members shall be selected from the electors of the Township representing the population distribution in various interests of the Township. One (1) member may be a member of the Township Board but may not serve as Chairperson of the Zoning Board of Appeals.
3. An employee or contractor of the Township Board may not serve as a member of the Zoning Board of Appeals.

#### B. 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 sit as a regular member of the Zoning Board of Appeals in the absence of a regular member if a regular member is absent from or unable to attend one (1) or more meetings of the Zoning Board of Appeals. An alternate member may also be called to serve in the place of a regular member for the purpose of

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reaching a decision on a case in which the regular member has abstained for reasons of conflict of interest. The alternate member having been appointed shall serve in the case until a final decision has been made. The alternate member shall have the same voting rights as a regular member of the Zoning Board of Appeals.

### C. Officers.

The Chairperson of the Zoning Board of Appeals shall be elected from among any of its members each year at the first regular meeting held at the beginning of each calendar year. An elected officer of the Township shall not serve as chair.

### D. 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.

### E. Terms of Office.

The terms of office for members of the Zoning Board of Appeals shall be for three (3) years, except for members serving because of their membership on the Planning Commission or the Township Board, whose terms shall be limited to the time they are members of those bodies. 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 the preceding member has expired. Vacancies for unexpired terms shall be filled for the remainder of the term.

### F. Removal from Office.

A member of the Zoning Board of Appeals may be removed by the Township Board for misfeasance, malfeasance, or nonfeasance in office upon written charges and after a public hearing. A member shall disqualify himself or herself from a vote in which the member has a conflict of interest. Failure of a member to disqualify himself or herself from a vote in which the member has a conflict of interest constitutes malfeasance in office.

## Section 8.03 Meetings

### A. 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, 267 PA 1976](#), as amended.

### B. Meeting Scheduling and Notice.

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1. Meetings shall be held at the call of the Chairman, in response to the receipt of a Request for Appeal, or other such times as the Board may determine or specify in its rules or procedures.
2. All meetings shall be open to the public and notice of the meetings shall be placed in compliance with the notification requirements in [Section 9.05](#).

### C. Quorum.

The Zoning Board of Appeals shall not conduct business unless a majority of those Zoning Board of Appeals members qualified to sit for a particular matter are present to constitute a quorum, regardless of whether the members are regular members or alternate members.

### D. Procedure and Vote.

1. The Zoning Board of Appeals shall adopt its own rules of procedure.
2. The Chairman or Township Clerk shall administer an oath to all persons testifying at the meetings.
3. The Zoning Board of Appeals shall keep a record of its proceedings showing the vote of each member upon each question, or if absent or failing to vote, indicating said fact. A copy of the record of the proceedings of the Board shall be filed with the Township Clerk within fifteen (15) days after the meeting.
4. **Majority Vote.** The concurring vote of a majority of the members of the Zoning Board of Appeals shall be necessary to reverse any order, requirement, decision, or determination of the Zoning Administrator or Planning Commission, or to decide in favor of an applicant any matter upon which they are required to pass under this Ordinance or to effect any variation of this Ordinance.

## Section 8.04 Procedures

### A. Notice of Appeal.

1. An appeal may be made by any person, firm, or corporation, or by any officer, department, or board of the state or township. In addition, when acquisition of a portion of a parcel of property under Section 4 of the [Uniform Condemnation Procedures Act, 1980 PA 87](#), MCL 213.54 leaves a parcel in nonconformity with this Ordinance, a variance in the zoning ordinance may be applied for and granted.
2. **Application Requirements.** Any question to be decided by the Zoning Board of Appeals may be placed before the Zoning Board of Appeals by submitting four (4) copies of a completed application, with associated fee, to the Zoning Administrator. The application shall clearly state the grounds for appeal. The applicant shall also submit four (4) copies of surveys, plans,

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data, and other information deemed reasonably necessary for making an informed decision on his or her appeal.

3. **Timing of Appeal.** Appeals from an administrative decision must be taken within thirty (30) days of the receipt of the decision by the administrative person or Planning Commission. Appeals affecting interpretation of this Ordinance or requiring special approval may be taken at any time.
4. Once an application is deemed complete, the Zoning Administrator shall transmit to the Board of Appeals all the papers constituting the record upon which the action appealed from was taken.

### B. Hearing & Public Notice.

1. **Date, Time & Notice.** 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 9.05](#).
2. **Appearance.** Any person may appear and testify at the hearing either in person or by duly authorized agent or attorney. The Zoning Board of Appeals shall have the power to require the attendance of witness, administer oaths, compel testimony, and otherwise cause the production of books, papers, files, and other evidence pertaining to matters properly coming before the Zoning Board of Appeals.
3. The Zoning Board of Appeals shall not decide on an appeal until after a public hearing.

### C. Decision.

1. **Timing of Decision.** The Zoning Board of Appeals shall return a decision in writing within thirty (30) days after the appeal is heard.
2. **Final Decision.** The final decision of such appeal shall be in the form of a resolution either reversing, modifying, or affirming, wholly or partly, the decision or determination appealed from. Reasons for the decision must be stated. A decision or variance granted by the Zoning Board of Appeals runs with the land and shall be valid after transfer of property ownership.
3. **Conditions.** The Zoning Board of Appeals may impose such conditions or limitations in granting a variance as deemed necessary to protect the character of the area, as provided for in [Section 9.07 – Conditions](#).
4. **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. An appeal to the Circuit Court under Section 606 of [2006 PA 110](#), shall be filed within thirty (30) days after the Zoning Board of Appeals issues

## Hawes Township Zoning Ordinance

its decision in writing, signed by the Chairperson, or twenty-one (21) days after the ZBA approves the minutes of its decision.

### Section 8.05 Jurisdiction

- A. In exercising the powers listed below, the Zoning Board of Appeals may reverse or affirm wholly or partly, or may modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision or determination as ought to be made, and to that end shall have all the powers of the Zoning Administrator or Planning Commission from whom the appeal is taken.
- B. The Zoning Board of Appeals shall have the following jurisdiction:
1. The Zoning Board of Appeals shall hear and decide on matters referred to the Zoning Board of Appeals and it shall hear and decide appeals from and review any administrative order, requirement, decision, or determination made by an administrative official or body charged with enforcement of the Zoning Ordinance. The Zoning Board of Appeals may hear appeals made by any person who alleges he or she has been aggrieved by a decision of the Zoning Administrator or any other person or body charged with enforcement of the Zoning Ordinance.
  2. The Zoning Board of Appeals may grant dimensional variances as provided for in [Section 8.06](#). The Zoning Board of Appeals shall not grant use variances.
  3. The Zoning Board of Appeals may also interpret the location of zoning district boundaries and may interpret the provisions of this Ordinance.
  4. The Zoning Board of Appeals has no jurisdiction to reverse Planning Commission decisions concerning Special Uses. In cases where the Zoning Board of Appeals does find that procedural errors were made by the Planning Commission or where findings of fact were made in error by the Planning Commission, the Zoning Board of Appeals shall have the authority to refer the case back to the Planning Commission for rehearing of the Special Use.

### Section 8.06 Dimensional Variances

- A. **Dimensional Variance Standards.** The Zoning Board of Appeals may grant dimensional variances when the applicant demonstrates in the official record of the hearing that the strict enforcement of this Ordinance would result in practical difficulty. To establish practical difficulty, the applicant must establish all of the following:
1. 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.

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2. Strict compliance with area, setbacks, frontage, height, bulk, or density would unreasonably prevent the owner from using the property for a permitted purpose or would render conformity unnecessarily burdensome.
3. 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.
4. A variance would do substantial justice to the applicant as well as to other property owners in the district, and that a lesser relaxation would not give substantial relief and be more consistent with justice to others.
5. The need for the requested variance is not the result of action of the property owner or previous property owners (self-created).

### Section 8.07 Stay

An administrative appeal to the Zoning Board of Appeals and an appeal of a decision by the Zoning Board of Appeals to Circuit Court stays all proceedings of the action appealed from, including the effectiveness of any zoning permit issued, unless the Zoning Administrator certifies to the Zoning Board of Appeals after such appeal has been filed that a stay would cause imminent peril to life or property, in which case the proceedings shall not be stayed, unless ordered stayed by the Zoning Board of Appeals or the Circuit Court. Provided, however, this Section shall not apply to an administrative decision to take enforcement action for alleged violations of this Ordinance.

### Section 8.08 Expiration

No order of the Zoning Board of Appeals permitting the erection or alteration of a building shall be valid for a period longer than one (1) year unless a building permit for such erection or alteration is obtained within such period and substantial construction has occurred.

### Section 8.09 Resubmittal

No application for a variance, interpretation, or appeal which has been decided, in whole or in part, by the Zoning Board of Appeals shall be re-submitted for a period of one (1) year from the date of such decision unless a rehearing is granted pursuant to [Section 9.08](#) of this Ordinance.

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# Article 9

## Administration & Enforcement

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### Section 9.01 Zoning Administration

#### A. Establishment of the Zoning Administrator.

The provisions of this Ordinance shall be administered by the Zoning Administrator who shall be appointed by the Township Board for such term and subject to such conditions as the Township Board deems desirable to carry out the terms of this Ordinance. He/she shall hold office at the pleasure of the Township Board and shall receive such compensation as determined by the Township Board. The Township Board may appoint a Deputy Zoning Administrator to fill the duties of the Zoning Administrator when he/she is not available.

#### B. Duties and Powers of the Zoning Administrator.

The Zoning Administrator shall administer and enforce this Ordinance in accordance with the [Michigan Zoning Enabling Act, 2006 PA 110](#) as amended, MCL 125.3101 et. seq., and:

1. The Zoning Administrator shall have the power to grant Zoning Permits and to make inspections of buildings or premises necessary to carry out his/her duties in the enforcement of this Ordinance. It shall be unlawful for the Zoning Administrator to approve any plans or issue any permits for the excavation or construction until such plans have been inspected in detail and found to conform to this Ordinance.
2. The Zoning Administrator shall assist the Planning Commission and the Zoning Board of Appeals in the processing and administering of all site plans, zoning appeals and variances, Special Use permits, and amendments to the Zoning Ordinance.

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3. The Zoning Administrator shall, under no circumstances, be permitted to make changes to this Ordinance or to vary the terms of this Ordinance in carrying out the duties of Zoning Administrator, unless so stated in this Ordinance.
4. The Zoning Administrator shall not refuse to issue a permit when conditions imposed by this Ordinance are complied with by the applicant despite violations of contracts, such as covenants or private agreements, that may occur upon the granting of said permit.
5. The Zoning Administrator shall initiate appropriate action for proceedings to prevent, restrain, correct, or abate any illegal act in violation of this Ordinance.

### C. Planning Commission.

The Planning Commission shall hold at least four (4) regular meetings annually as required by state law. At these meetings, any person having interest in the Township shall be given an opportunity to be heard on matters within Planning Commission jurisdiction. See [Section 5.01](#) for the full list of Planning Commission jurisdiction.

## Section 9.02 Zoning Permits

### A. Zoning Permit Required.

1. **General.** No building or structure more than one hundred (100 ft<sup>2</sup>) square feet shall hereafter be erected, structurally altered, reconstructed, used, or moved, nor shall any use subject to the provisions of this Ordinance be commenced, until a zoning permit application has been filed with the Township and a zoning permit has been issued by the Zoning Administrator, except as otherwise provided for in this Ordinance. No zoning permit shall be required for any lawful use of any building or structure in existence as of the adoption date of this Ordinance.
  - a. **Administratively-Approved Zoning Permits ([Section 5.01](#)).** If the Zoning Administrator finds the application conforms with the requirements of the Ordinance, the copies submitted shall be so marked with his/her signature, including the date. One (1) copy shall be filed with the Township Planning Commission and one (1) returned to the applicant. No permit shall be transferable.
  - b. **Planning Commission-Approved Zoning Permits ([Section 5.01](#)).** The Zoning Administrator shall issue a zoning permit for applications that have been approved by the Planning Commission through the Site Plan Review or Special Use process. One (1) signed copy of the site plan shall be filed with the Township Planning Commission and one (1) returned to the applicant. No permit shall be transferable.
2. **Survey.** The Zoning Administrator may require a current boundary survey and staking of the premises by a Michigan-licensed surveyor unless such survey and/or staking is determined by the Zoning Administrator to be unnecessary for the zoning permit decision in question.

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### B. Other Required Permits.

A zoning permit shall not be issued until all 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.

### C. Zoning Permit Expiration.

1. Any zoning permit, under which no work is done within one (1) year of issue, shall expire by limitation, and use shall be renewable upon re-application and payment of the fee, subject however, to any provisions of ordinance or law then in effect.
2. At least thirty (30) days prior to expiration of a zoning permit, an applicant may make application to the Zoning Administrator for a one (1) year extension of the zoning permit. The Zoning Administrator shall grant the requested extension for this additional one (1) year if he/she finds good cause for the extension.

### D. Zoning Permit Revocation.

The Zoning Administrator shall have the power to revoke any zoning permit in case of failure or neglect to comply with the provisions of this Ordinance or in case of false statements or misrepresentation made in the application. The owner shall be given reasonable notice in writing of the liability for voiding action before revocation.

### E. Payment of Fees.

No zoning permit shall be valid until the required fees have been paid. Applications and petitions filed pursuant to the provisions of this Ordinance shall be accompanied by the filing fees as specified by the Township Board.

### 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. Any other use, arrangement, or construction at variance with that authorized shall be deemed a violation of this Ordinance.

### G. 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 9.09 \(Violations\)](#).
2. Any person, partnership, limited liability company, corporation, association, or other entity who fails to obtain any necessary zoning permit may be issued that zoning permit for projects which conform to regulations contained within this Ordinance, but that zoning permit will be considered a permit after-the-fact. An after-the-fact permit is the same as a standard permit,

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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 consultants 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.

**Section 9.03 Fees**

- A. The Township Board, in consultation with the Zoning Administrator, may set reasonable fees for the review and processing of Zoning Permits, Special Uses, Site Plan Review, Requests for Appeal, and Applications for Rezoning or Zoning Text Amendments. Fees shall be adopted by majority vote and shall be kept in writing on file with the Zoning Administrator. This fee schedule may be amended by majority vote of the Township Board to reflect changes in policy or administrative costs. All such fees shall be collected by the Zoning Administrator and paid to the Township Clerk. No approval shall be valid until the required fee is paid.
  
- 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 zoning staff, and time spent by the members of the Planning Commission and/or Zoning Board of Appeals. 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 an application or appeal is withdrawn by the applicant.
  
- C. If the 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 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 or advisable, then the applicant shall deposit with the Township Treasurer such additional zoning fees in an amount determined by the Planning Commission or Zoning Board of Appeals equal to the estimated additional costs. 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 Planning Commission or Zoning Board of Appeals to be equal to the estimated costs to complete the review or decide the appeal. 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. 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. 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 permit or the release of a final decision on an appeal.

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**Section 9.04 Performance Guarantee**

In connection with the construction of improvements through site plan approval, Special Use permits, or a Planned Unit Development 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 sanitary 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, site restoration, and the completion of conditions imposed by the Planning Commission which are located within the development. 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 of the cash deposit after completion of one-third of the public and site improvements;
- B. An additional third of the cash deposit after completion of two-thirds of the public and site improvements; and
- C. The balance at the completion of the public and site improvements.

Any irrevocable bank letter of credit or surety bond shall be returned to the applicant upon completion of the public improvements. If a development is to be completed in phases, then the Planning Commission may require the applicant to furnish a performance guarantee as provided in this Section for each phase of the development. If an applicant has contracted with a third-party to construct the public and site improvements and the third-party has provided a bond meeting the requirements described above and the bond also names the Township as a third-party beneficiary of the bond, then the Planning Commission may accept that bond as meeting all or a portion of the performance guarantee required by this Section.

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**Section 9.05 Public Notification**

All applications for development approval requiring a public hearing shall comply with the [Michigan Zoning Enabling Act, 2006 PA 110](#) as amended, MCL 125.3101 et. seq. and the other provisions of this Section with regard to public notification.

**A. Published Notice.**

When the provisions of this Ordinance or the Michigan Zoning Enabling Act require that notice be published, the Zoning Administrator shall be responsible for preparing the content of the notice, having it published in a newspaper of general circulation in the 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 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.

**C. Notice.**

1. Except as noted in [Section 9.05.C.2](#) and [Section 9.05.C.3](#) below, notices for all public hearings shall be given as follows:
  - a. Notice of the hearing shall be not less than fifteen (15) days before the date of the public hearing.

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- b. Notice of the hearing shall be published in a newspaper of general circulation.
  - c. Notice shall be sent by mail or personal delivery to the owners of property for which approval is being considered and the applicant, if different than the owner(s) of the property.
  - d. Notice shall also be sent by mail to all persons to whom real property is assessed within three hundred (300') feet of the property and to the occupants of all structures within three hundred (300') feet of the property regardless of whether the property or occupant is located in the zoning jurisdiction.
    - (1) If the name of the occupant is not known, the term "occupant" may be used in making notification under this subsection.
    - (2) Notification need not be given to more than one (1) occupant of a structure, except that if a structure contains more than one (1) dwelling unit or spatial area owned or leased by different individuals, partnerships, businesses, or organizations, one (1) occupant of each unit or spatial area shall receive notice. In the case of a single structure containing more than four (4) dwelling units or other distinct spatial areas owned or leased by different individuals, partnerships, businesses, or organizations, notice may be given to the manager or owner of the structure who shall be requested to post the notice at the primary entrance to the structure.
2. Newspaper publication as required in [Section 9.05.C.1](#) above shall be the only notice required for an amendment to the Zoning Ordinance or the zoning map that affects eleven (11) or more properties.
  3. For ordinance interpretations and appeals of administrative decisions by the Zoning Board of Appeals notice that does not affect a specific property shall be only to the applicant and by newspaper publication, as required in [Section 9.05.C.1](#) above.
  4. **Notice Deemed Given.** Notice shall be deemed given when personally delivered or by its deposit in the United States mail, first-class, properly addressed, and postage paid. The Zoning Administrator shall prepare and retain 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.



## Hawes Township Zoning Ordinance

### Section 9.06 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 9.07 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, and welfare, and social and economic well-being of those who will use the land use or activity under consideration, residents, and landowners immediately adjacent to the proposed land use or activity, and the community as a whole.
- B. Be related to the valid exercise of the police power and purposes which are affected by the proposed use or activity.
- C. Be necessary to meet the intent and purpose of the Zoning Ordinance, be related to the standards established in the Ordinance for the land use or activity under consideration, and be necessary to ensure compliance with those standards.

### Section 9.08 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. 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 public hearing.

<b>1</b> Purpose & Authority	<b>2</b> Definitions	<b>3</b> General Provisions	<b>4</b> District Regulations	<b>5</b> Site Plans & Plot Plans
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3. The Township attorney by written opinion states that in the attorney’s professional opinion the decision made by the Planning Commission or Zoning Board of Appeals or the procedure used in the matter was clearly erroneous.

### B. Rehearing Procedure.

A rehearing may be requested by the applicant or by the Zoning Administrator, or a rehearing may be granted by the Planning Commission or Zoning Board of Appeals on its own motion.

1. A request for a rehearing which is made by an applicant must be made within twenty-one (21) days from the date of approval of the Planning Commission's or Zoning Board of Appeals' minutes regarding the decision for which the rehearing is being requested.
2. A request for a rehearing made by the Zoning Administrator or a rehearing granted by the Planning Commission or Zoning Board of Appeals on its own motion may be granted at any time as long as the applicant has not been prejudiced by any delay.
3. If the Planning Commission or Zoning Board of Appeals grants a rehearing, then the rehearing shall not be held until all notice requirements for the type of decision being reheard have been satisfied.

## Section 9.09 Violations

Buildings and structures erected, altered, moved, or converted or any use of land or premises carried on in violation of any provision of this Ordinance are hereby declared to be nuisance per se. The Zoning Administrator shall inspect each alleged violation and shall order correction in writing to the owner of the premises on all conditions found to be in violation.

### A. Corrections.

The owner shall, within forty-eight (48) hours after receipt of notification of violation, suspend operation or construction of conditions found to be in violation, and, within sixty (60) days following issuance of written notice, shall correct said violation. If not corrected, violations shall be remanded to the Court for prosecution. If the owner shall neglect or refuse to suspend the activity as directed while making corrections, the above stated sixty (60) day period shall be nullified and violation shall be subject to immediate prosecution.

### B. Penalties.

Any person, firm, or corporate entity who violates, neglects, omits, or refuses to comply with any provision of this Ordinance or any permit or exception granted hereunder or any lawful requirement of the Zoning Administrator shall be fined on conviction not less than one hundred (\$100) dollars nor more than two hundred (\$200) dollars together with the cost of prosecution. To promote compliance with the provisions of the Ordinance, each day that a violation maintains shall be deemed a separate offense.

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**C. Proceedings.**

The Township Board, the Planning Commission, the Zoning Administrator, or any owner of real estate may institute injunction, mandates, abatement, or any other appropriate action or proceedings to prevent, enjoin, abate, or remove any unlawful erection, alteration, maintenance, use, or violation. The rights and remedies provided herein are cumulative and in addition to all other remedies provided by law.

**Section 9.10 Conflicting Regulations**

**A. When this Ordinance is More Restrictive than Another Law or Ordinance.**

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

**B. When Another Law or Ordinance is More Restrictive than this Ordinance.**

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

**C. Conflicting Provisions within this Ordinance.**

Where any provision of this Ordinance differs from any other provision of this Ordinance, the more restrictive or specific requirement shall prevail. 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 & Authority	<b>2</b> Definitions	<b>3</b> General Provisions	<b>4</b> District Regulations	<b>5</b> Site Plans & Plot Plans
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**Section 9.11 Action Summary Table**

The following table is a summary of basic requirements for various administrative actions under this Zoning Ordinance. It supplements the preceding text, but is not a substitute for it.

Type of Action	Parties who may initiate action	Body making decision	Public hearing required	Published notice – number of days prior to hearing	Mailed notice to all property owners within 300 feet - days prior to hearing	Body to which applicant may appeal a denial	
Single-family detached & two-family dwellings; accessory buildings; fences; signs; food trucks, seasonal sales; accessory dwelling units; parking lots; short term rentals	Applicant	ZA	No	n/a	n/a	ZBA	
Site Plan Approval	Applicant	PC	No	n/a	n/a	ZBA	
Special Use Permit/PUD	Applicant	PC	Yes	Not less than 15 days	Not less than 15 days	Circuit Court	
Variance	Applicant	ZBA	Yes	Not less than 15 days	Not less than 15 days	Circuit Court	
Interpretation	Applicant, PC, or ZA	ZBA	Yes	Not less than 15 days	Not less than 15 days	Circuit Court	
Appeal from a decision	Any aggrieved party	ZBA	Yes	Not less than 15 days	Not less than 15 days	Circuit Court	
Map Amendment (Rezoning) or Text Amendment	Applicant, PC	Step 1: PC recommends to TB	Yes	Not less than 15 days	Not less than 15 days	No action until after TB decision	
		Step 2: Alcona County reviews amendment & provides comment (30 days)					
		Step 3: TB	No	n/a	n/a	n/a	
		Step 4: TB publishes Notice of Adoption in newspaper (within 15 days after adoption). Amendment goes into effect on the 8th day after publication.					
Zoning Ordinance Enforcement	ZA	n/a	n/a	n/a	n/a	ZBA	

ZA = Zoning Administrator PC = Planning Commission TB = Township Board ZBA = Zoning Board of Appeals

# Article 10

## Adoption & Amendments

Sec	Name	Pg
10.01	<a href="#">Amendment to this Ordinance</a>	10-1
10.02	<a href="#">Amendment Procedures</a>	10-1
10.03	<a href="#">Conditional Rezoning</a>	10-3
10.04	<a href="#">Severability Clause</a>	10-7
10.05	<a href="#">Vested Right</a>	10-7
10.06	<a href="#">Repeal &amp; Savings Clause</a>	10-7
10.07	<a href="#">Enactment &amp; Effective Date</a>	10-8

### Section 10.01 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 Hawes Township Zoning Map may be amended, supplemented, or changed by action of the Township Board following a recommendation from the Township Planning Commission.

### Section 10.02 Amendment Procedures

Proposals for amendments, supplements, or changes may be initiated by the Township Board on its own motion, by the Township Planning Commission, or by application of one (1) or more owners of property to be affected by the proposed amendment. The procedure to be followed for initiating and processing an amendment shall be as follows:

- A. **Filing of Amendment Application.**
  - 1. Each application by one (1) or more persons for an amendment shall be submitted 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. Such application shall be submitted at least forty-five (45) days prior to the Planning Commission meeting at which the public hearing will be held.
  - 2. The Zoning Administrator shall notify, in writing, the Township Clerk and Chair of the Planning Commission at or before the time he/she transmits the amendment request to the Planning Commission.

## Hawes Township Zoning Ordinance

### B. Public Hearing and Planning Commission Action.

1. A public hearing shall be held on the proposed amendment. Notice of such hearing shall be published using the procedures in [Section 9.05](#).
2. The Planning Commission shall consider each proposal for amendment on particular factors related to the individual proposal and in terms of the likely effect on the community's physical development. The Planning Commission may recommend any additions or modifications to the original proposal.
3. The Planning Commission shall review and apply the following standards and factors in the consideration of any rezoning request:
  - a. Is the proposed rezoning consistent with the Tri-Township Master Plan?
  - b. Are all of the allowable uses in the proposed district 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 create a deterrent to the improvement or development of adjacent property in accord with existing regulations?
  - g. 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)?
  - h. Is the site served by adequate public facilities or is the petitioner able to provide them?
4. **Submission to Alcona County.** Following the public hearing, the Planning Commission shall submit the proposed amendment including any zoning map changes to Alcona County unless Alcona County waives its right to review. If the recommendation of the County has not been received within thirty (30) days after the receipt of the amendment by the County, it shall be conclusively presumed that the County has waived its right for review.
5. **Submission to Township Board.** The Planning Commission shall submit a final report/recommendation to the Township Board along with a summary of the comments received at the public hearing.

### C. Township Board Action.

<b>1</b> Purpose & Authority	<b>2</b> Definitions	<b>3</b> General Provisions	<b>4</b> District Regulations	<b>5</b> Site Plans & Plot Plans
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1. **Additional Public Hearing.** The Township Board *may* grant an additional public hearing on a proposed ordinance amendment if it considers it necessary or as may otherwise be required. Notice of such hearing shall be published using the procedures in [Section 9.05](#).
2. **Refer Amendments Back to Planning Commission.** The Township Board may refer any proposed amendments to the Planning Commission for consideration and comment within a time specified by the Township Board.
3. **Adoption.** The Township Board shall consider and vote upon the adoption of a proposed zoning ordinance amendment. A zoning ordinance amendment shall be approved by a majority vote of the members of the Township Board.
4. **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 expiration of seven (7) days after publication or at a later date as may be specified by the Township Board at the time of adoption.
5. **Resubmittal.** No application for a rezoning which has been denied by the Township shall be resubmitted for a period of one (1) year from the date of the last denial, except on grounds of newly discovered evidence or proof of changed conditions found upon inspection by the Township Planning Commission to be valid.

### Section 10.03 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 and/or development of land as part of the rezoning request.

#### B. Application and Offer of Conditions.

1. An owner of land may voluntarily offer, in writing, conditions relating to the use and/or development of land for which a rezoning is requested. This offer may be made either at the time the application for rezoning is filed or may be made at a later time during the rezoning process.
2. The required application and process for considering a rezoning request with conditions shall be the same as that for considering rezoning requests made without any offer of conditions, except as modified by the requirements of this Section.

<b>1</b> Purpose & Authority	<b>2</b> Definitions	<b>3</b> General Provisions	<b>4</b> District Regulations	<b>5</b> Site Plans & Plot Plans
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3. The owner’s offer of conditions may not authorize uses or developments not permitted in the requested new zoning district.
4. The owner’s offer of conditions shall bear a reasonable and rational relationship to the property for which rezoning is requested.
5. Any use or development 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 or development is ultimately granted in accordance with the provisions of this Ordinance.
6. The offer of conditions may be amended during the process of rezoning consideration provided that any amended or additional conditions are entered voluntarily by the owner. An owner may withdraw all or part of its offer of conditions any time prior to final rezoning action of the Township Board provided that, if such withdrawal occurs subsequent to the Planning Commission’s public hearing on the original rezoning request, then the rezoning application shall be referred to the Planning Commission for a new public hearing with appropriate notice and a new recommendation.

**C. Planning Commission Review.**

The Planning Commission, after a public hearing as set forth in [Section 9.05](#) of this Ordinance and consideration of the factors set forth in [Section 10.02.B.3 \(except 10.02.B.3.g\)](#) 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 Review.**

Following the public hearing before the Township Planning Commission, the conditional rezoning application shall be submitted to Alcona County as specified in [Section 10.02.B.4](#) for not more than a 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 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.

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**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 **Alcona 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.
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

<b>1</b> Purpose & Authority	<b>2</b> Definitions	<b>3</b> General Provisions	<b>4</b> District Regulations	<b>5</b> Site Plans & Plot Plans
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all the requirements regulating use and development within the new zoning district as modified by any more restrictive provisions contained in the Statement of Conditions.

**G. Compliance with Conditions.**

1. Any person who establishes a development or commences a use upon land that has been rezoned with conditions shall continuously operate and maintain the development or use in compliance with all the conditions set forth in the Statement of Conditions. Any failure to comply with a condition contained within the Statement of Conditions shall constitute a violation of this Ordinance and be punishable accordingly.
2. No permit or approval shall be granted under this Ordinance for any use or development that is contrary to an applicable Statement of Conditions.

**H. Time Period for Establishing Development or Use.**

Unless another time period is specified in the Ordinance, the approved development and/or use of the land pursuant to building or other required permits must be commenced upon the land within one (1) year after the rezoning took effect and thereafter proceeded diligently to completion. This time limitation may upon written request be extended by the Township Board if (1) it is demonstrated to Township Board’s reasonable satisfaction that there is a strong likelihood that the development and/or use will commence within the period of extension and proceed diligently thereafter to completion, and (2) the Township Board finds that there has not been a change in circumstances that would render the current zoning with Statement of Conditions incompatible with other zones and uses in the surrounding area or otherwise inconsistent with sound zoning policy.

**I. Reversion of Zoning.**

If the approved development and/or use of the rezoned land does not occur within the timeframe specified under **subsection H** above, then the land shall automatically revert to its former zoning classification with no further action from the Township Board.

**J. Subsequent Rezoning of Land.**

When land that is rezoned with a Statement of Conditions is thereafter rezoned to a different zoning classification or to the same zoning classification, but with a different or no Statement of Conditions, whether as a result of a reversion of zoning pursuant to **subsection I** above or otherwise, the Statement of Conditions imposed under the former zoning classification shall cease to be in effect. Township Clerk shall record with the **County Register of Deeds** that the Statement of Conditions is no longer in effect.

**K. Amendment of Conditions.**

1. During the time period for commencement of an approved development and/or use specified pursuant to **subsection H** above or during any extension thereof granted by the Township Board, the Township shall not add to or alter the conditions in the Statement of Conditions.

<b>1</b> Purpose & Authority	<b>2</b> Definitions	<b>3</b> General Provisions	<b>4</b> District Regulations	<b>5</b> Site Plans & Plot Plans
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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 10.04 Severability Clause

This Ordinance and the various parts, articles, sections, subsections, and clauses thereof are hereby declared to be severable. If any part, sentence, paragraph, subsection, section, or clause is adjudged unconstitutional or invalid, it is hereby provided that the remainder of the Ordinance as a whole or any part thereof shall not be affected thereby.

## Section 10.05 Vested Right

Nothing in this Ordinance should be interpreted or construed to give rise to any permanent vested rights in the continuation of any particular use, district, zoning classification, or any permissible activities therein; they are hereby declared to be subject to subsequent amendment, change, or modification as may be necessary to the preservation or protection of public health, safety, and welfare.

## Section 10.06 Repeal & Savings Clause

- A. This Ordinance repeals and replaces any previous Hawes Township Zoning Ordinance in its entirety.
- B. The repeal of any Hawes Township Zoning Ordinance, as provided, shall not affect any rights acquired, fines, penalties, forfeitures, liabilities incurred thereunder, or actions involving any of the provisions of said ordinance or parts thereof. Said ordinance or ordinance sections repealed is hereby continued in force and effect after the passage, approval, and publication of this Ordinance for the purpose of such rights, fines, penalties, forfeitures, liabilities, and actions therefore.

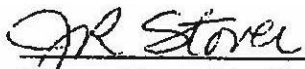
<b>1</b> Purpose & Authority	<b>2</b> Definitions	<b>3</b> General Provisions	<b>4</b> District Regulations	<b>5</b> Site Plans & Plot Plans
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# Hawes Township Zoning Ordinance

## Section 10.07 Enactment & Effective Date

- A. This Ordinance was adopted on June 14, 2022 by the Hawes Township Board of Trustees and will be effective June 29, 2022. The foregoing Zoning Ordinance and Zoning Map were presented at a public hearing before the Planning Commission on March 29, 2022.
- 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 published 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 Hawes Township Board at a regular meeting held on June 14, 2022.

  
 \_\_\_\_\_  
 Hawes Township Clerk

Published: June 22, 2022

Effective Date: June 29, 2022

Affidavit of Publication Required.

<b>1</b> Purpose & Authority	<b>2</b> Definitions	<b>3</b> General Provisions	<b>4</b> District Regulations	<b>5</b> Site Plans & Plot Plans
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