

ZONING ORDINANCE



KRAKOW TOWNSHIP

PRESQUE ISLE COUNTY, MICHIGAN

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ADOPTED: JULY 14, 2020

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Krakov Township ZONING ORDINANCE

Krakov Township
Presque Isle County
Michigan

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Effective: July 30, 2020

[Amendments Table \(located on last page of ordinance\)](#)

Prepared with the assistance of:

Northeast Michigan Council of Governments
www.discovernortheastmichigan.org

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Article 1

Purpose & Authority

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Section 1.1 Title

This document shall be known as the Krakow Township Zoning Ordinance of Presque Isle County, State of Michigan and may be referred to herein as “this Ordinance”.

Section 1.2 Purpose

The fundamental purpose of this Ordinance is to promote and safeguard the health, safety, and general welfare of the residents of and visitors to Krakow Township. The provisions herein are intended to encourage the proper use of land and natural resources pertinent to the social, physical, and economic well-being of the Township, including the optimum distribution of residential, commercial, recreational, industrial, and transportation activities; to limit the improper use of land, water, and other natural resources; to minimize hazards to health and property; to avoid overcrowding, provide adequate light and ventilation and control excessive noise, air, and visual pollution in and around dwellings and places of employment in the Township; to lessen traffic congestion and promote the wise distribution and use of land for public facilities and utilities, such as schools, community centers, government offices, medical facilities, and electrical and gas generation and transmission equipment; and to be one means of implementing the Goals, Objectives, and Policies as set forth in the Krakow Township Master Plan.

Section 1.3 Authority

This Ordinance is adopted pursuant to the [Michigan Zoning Enabling Act, 2006 PA 110](#), as amended. Said Act, intended to legally provide for township rural zoning, and is hereby made a part of this Ordinance, as if said Act were repeated verbatim herein.

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Section 2.1 Rules of Construction

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

- A. The particular shall control the general.
- B. The word “shall” is always mandatory and never discretionary. The word “may” is permissive.
- C. Words used in the present tense shall include the future.
- D. Words in the singular number shall denote the plural number and the plural shall denote the singular.
- E. A “building” or “structure” includes any part thereof.
- F. The phrase “used for” includes “arranged for”, “designed for”, “intended for”, “maintained for”, and “occupied for.”
- G. 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”, shall be interpreted as follows.
 - 1. “And” denotes that all the connected items, conditions, provisions, or events shall apply.

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- 2. "Or," indicates that the connected items, conditions, provisions, or events may apply singly or in any combination.
- 3. "Either . . . or" indicates that the connected items, conditions, provisions or events shall apply singly but not in combination.
- H. In case of any difference of meaning or implication between the text of this Ordinance and any caption or illustration, the text shall control.
- I. "Days" means calendar days unless otherwise stated.
- J. "Township" shall hereinafter refer specifically to Krakow Township.
- K. "Township Board" shall hereinafter refer to the Krakow Township Board of Trustees.
- L. "Planning Commission" shall hereinafter refer to the Krakow Township Planning Commission.
- M. "Zoning Board of Appeals" shall hereinafter refer to the Krakow Township Zoning Board of Appeals.
- N. Terms not herein defined shall be assumed to have the meanings customarily assigned them.
- O. Any necessary interpretation of this Ordinance shall be defined by the Krakow Township Zoning Board of Appeals.

Section 2.2 Definitions

A

Abandonment. The cessation of activity in, or use of a dwelling, structure, or lot, other than that which would normally occur on a seasonal basis.

Abutting. Having property or district line in common (e.g. two lots are abutting if they have property lines in common).

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

Accessory Building. A building or portions of a building which:

- A. Is subordinate to and serves a main building or principal use;
- B. Is subordinate in area, extent, or purpose to the main building or principal use served; and

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- C. Contributes to the comfort, convenience, or necessity of occupants of the main building or principal use. Where an accessory building is attached to a main building in a substantial manner, such as a wall or roof, the accessory building shall be considered a part of the main building.

Accessory Dwelling Unit. Also known as a “granny flat”. A secondary residential dwelling unit located on the same lot as a single-family dwelling unit, either within the same building as the single-family dwelling unit or in a detached building. Accessory dwelling units shall be developed in accordance with the standards set forth in [Section 7.32](#) and only in those zoning districts where the use is listed as a permitted use or Special Land Use.

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

Addition. Any construction which increases the size of a building such as a porch, attached garage, or carport, room, or wing.

Adjacent Property. Property that adjoins any sides or corners of a specific parcel of land including those lands separated from the parcel by a road right-of-way, easements, or public utility rights-of-way.

Adult Foster Care Facility. A governmental or non-governmental establishment that provides foster care to adults. It includes facilities and foster care home for adults who are aged, mentally ill, developmentally disabled, or physically disabled who require supervision on an ongoing basis but who do not require continuous nursing care.

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

1. **Adult 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.
2. **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.
3. **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.
4. **Adult Foster Care Large Group Home.** A facility with approved capacity to receive at least thirteen (13) but not more than twenty (20) adults to be provided supervision, personal care,

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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.

5. **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.
6. **State-Licensed Residential Facility.** A structure constructed for residential purposes that is licensed by the State under the [Adult Foster Care Facility Licensing Act, 1979 PA 218](#), MCL 400.701 to 400.737, or the [Child Care Organizations Act, 1973 PA 116](#), MCL 722.111 to 722.128, and provides residential services for 6 or fewer individuals under 24-hour supervision or care. 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.
3. A hospital licensed under Article 17 of the [Public Health Code, 1978 PA 368](#), MCL 333.20101 to 333.22260.
4. A hospital for the mentally ill or a facility for the developmentally disabled operated by the department of community health under the [Mental Health Code, 1974 PA 258](#), MCL 330.1001 to 330.2106.
5. A county infirmary operated by a county department of social services or family independence agency under Section 55 of the [Social Welfare Act, 1939 PA 280](#), MCL 400.55.
6. A child caring institution, children's camp, foster family home, or foster family group home licensed or approved under [1973 PA 116](#), MCL 722.111 to 722.128, if the number of residents who become 18 years of age while residing in the institution, camp, or home does not exceed the following:
 - a. Two (2), if the total number of residents is ten (10) or fewer.
 - b. Three (3), if the total number of residents is not less than eleven (11) and not more than fourteen (14).
 - c. Four (4), if the total number of residents is not less than fifteen (15) and not more than twenty (20).
 - d. Five (5), if the total number of residents is twenty-one (21) or more.
7. A foster family home licensed or approved under [1973 PA 116](#), MCL 722.111 to 722.128, that has a person who is 18 years of age or older placed in the foster family home under section 5(7) of [1973 PA 116](#), MCL 722.115.

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8. An establishment commonly described as an alcohol or a substance abuse rehabilitation center, a residential facility for persons released from or assigned to adult correctional institutions, a maternity home, or a hotel or rooming house that does not provide or offer to provide foster care.
9. A facility created by the [Michigan Veterans Facility Act, 1885 PA 152](#), MCL 36.1 to 36.12.
10. An area excluded from the definition of adult foster care facility under Section 17(3) of the [Continuing Care Community Disclosure Act, 2014 PA 448](#), MCL 554.917.
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. The practice of visiting an agribusiness, horticultural, or agricultural operation, including but not limited to a farm, orchard, winery, greenhouse, hunting preserve, a companion animal or livestock show for the purpose of recreation, education, or active involvement in the operation, other than as a contractor or employee of the operation. The following additional definitions shall apply in the application of this Ordinance:

- A. **Value-Added Agricultural Product.** The enhancement or improvement of the overall value of an agricultural commodity or of an animal or plant product to a higher value. The enhancement or improvement includes, but is not limited to marketing, agricultural processing, transforming or packaging, education presentation, activities, and tours.
- B. **Agricultural Products/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.
- C. **Agriculturally-Related Products.** Items sold at a farm to attract customers and promote the sale of agricultural products. Such items include, but are not limited to, all agricultural and horticultural products, animal feed, baked goods, ice cream and ice cream based desserts and beverages, jams, honey, gift items, food stuffs, clothing, and value-added agricultural products.
- D. **Non-Agriculturally Related Products.** Those items not connected to farming or the farm operation, such as novelty t-shirts or other clothing, crafts, and knick-knacks imported from other states or countries, etc.
- E. **Agriculturally-Related Uses.** Those activities that predominantly use agricultural products, buildings, or equipment, such as pony rides, corn mazes, pumpkin rolling, barn dances, sleigh/hay rides, and educational events, such as farming and food preserving classes, etc.

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- F. **Non-Agriculturally Related Uses.** Activities that are part of an agricultural tourism operation’s total offerings but not tied to farming or the farm’s buildings, equipment, fields, etc. Such non-agriculturally related uses include amusement rides, concerts, etc., and are subject to Special Land Use permit.
- G. **Farm Market/On-Farm Market/Roadside Stand.** The sale of agricultural products or value-added agricultural products directly to the consumer from a site on a working farm or any agricultural, horticultural, or agribusiness operation or agricultural land.

Alteration. Any structural change, addition, or modification in construction or type of occupancy or any change in the structural members of a building, such as bearing walls, beams, or girders which may hereinafter be considered as “altered” or “reconstructed”.

Apartment. A room or suite of rooms, including bath and kitchen facilities, in a multiple-family dwelling intended and designed for use as a residence by a single family. See also [Dwelling, Multiple-Family](#).

Appeal. Action that can be taken by any person denied approval of any administrative zoning matter. In most cases, appeals go to the Zoning Board of Appeals; from there they may go to circuit court.

Appurtenance. Means an ornamental, structural, or mechanical element that is attached to and subordinate to a building or structure, but not including fences.

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

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

Automobile Repair. Any activity that includes but is not limited to the general repair or reconditioning of motor vehicles, engines, or trailers, collision service, such as body, frame, or fender straightening and repair, overall painting, and rust-proofing of automobiles.

Automobile Service Station. A building used for the retail sale of fuel, lubricants, air, water, and other commodities designed for motor vehicles, aircraft, and boats. Such an operation includes space and facilities for selling, installing, or adjusting tires, batteries, parts, and accessories within a building provided that such repair and installation is of a minor nature.

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

B

Basement or Cellar. 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 ceiling is less than the vertical distance from the average grade to the floor. A basement or cellar shall not be counted as a story.

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Bed and Breakfast Establishment or Tourist Home. A single-family, owner-occupied dwelling which rents sleeping rooms and furnishes meals to transient guests for compensation.

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

Berm. A constructed mound of earth rising to an elevation above the adjacent ground level of the site where located and 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 60 degrees Fahrenheit which contains 50 percent by volume of ethyl alcohol having a specific gravity of 0.7939 at 60 degrees Fahrenheit referred to water at 60 degrees Fahrenheit as unity, or the alcoholic equivalent thereof.

Block. A property surrounded by streets, or abutting one (1) side of a street and situated between the two (2) nearest intersecting streets, or bounded by a combination of streets, waterways, parks, non-platted acreage, corporate boundary lines, or other natural or man-made, physical, or artificial barriers to continual development.

Boarding House or Rooming House. A dwelling where lodging or meals or both are provided for compensation to three (3) or more individuals on a prearranged basis for a definite period of time.

Boardwalk. An elevated walk constructed of planking, usually wood.

Boat and/or Canoe Livery and Boat Yard. A place where boats and/or canoes are stored, rented, sold, repaired, docked, or serviced.

Breezeway. A roofed often open passage connecting two (2) buildings (as a house and garage) or halves of a building.

Buffer Strip. An area designed to separate properties of diverse usage. A buffer strip may consists of landscaping, fences, walls, berms, open space, or other means of separating uses.

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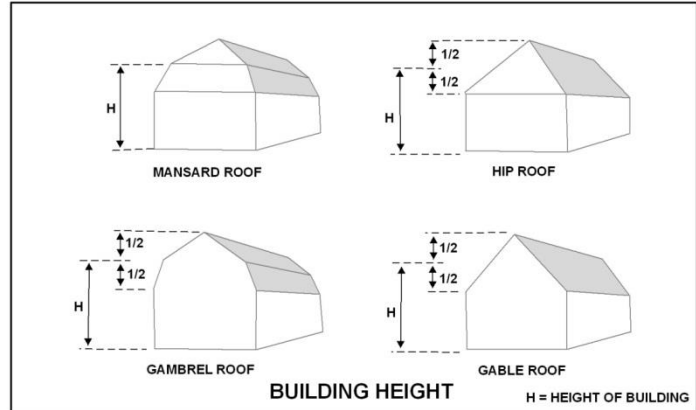
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Buildable Area or Building Envelope. The space remaining on a lot or lots of record after the minimum setback and open space requirements have been complied with.

Building. An independent structure, temporary or permanent, having a roof supported by columns, walls, or other means of stabilization and used for the enclosure and protection of persons, animals, chattels, or for the operation of a business. Structures with interiors not accessible for human use, such as tanks, smokestacks, grain elevators, coal burners, oil cracking towers, or similar structures shall not be considered as buildings.

Building Height. The vertical distance from the established grade of a building to the following roof lines. Flat roof - to the highest point; mansard roof - to the deck; and gable, hip, and gambrel roofs - to the mean height between eaves and ridge.

Building Line. A line parallel to the front lot line at the minimum required front setback.



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

Business Center. More than one (1) business on the same parcel.

C

Cabin/Cottage. A detached building which is used for seasonal occupancy as a dwelling or sleeping quarters for transients or tourists for a fee.

Cabin/Cottage Complex. Grouping of multiple cabins/cottages on a site and used for purposes of renting or leasing to transient clientele.

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 recreational units.

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

- A. **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

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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 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 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/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 religious institution are classified as part of the principal use as a church, temple, synagogue, or similar religious structure and/or institution.

Clinic, Animal. A building or group of buildings and/or structure(s) where domestic animals are admitted for examination, treatment, and care by a state-licensed veterinarian and related paraprofessionals and technicians and where such animals may be provided with overnight or short term housing.

Clinic, Human. A building or group of buildings where human patients are admitted for examination and treatment as outpatients by more than one (1) professional such as a physician, dentist, or the

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like, except that such human patients are not lodged therein overnight.

Club. A nonprofit membership or stock organization of persons organized for social, athletic, scientific, artistic, political, or other similar endeavors.

Cluster Development. A development design technique that concentrates buildings in specific areas on a site to allow the remaining land to be used for recreation, common open space, and preservation of environmentally sensitive areas.

Commercial. A term relating to the use of property in connection with the purchase, sale, or trading of goods for personal services; the maintenance of service offices; recreation or amusement enterprises; or garage/basement/porch sales lasting more than fourteen (14) days during any twelve (12) month period.

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

Condominium. See the following definitions:

- A. **Condominium Act.** [1978 PA 59](#), as amended.
- B. **Condominium Documents.** The master deed, recorded pursuant to the Condominium Act, and any other instrument referred to in the master deed or bylaws which affects the rights and obligations of a co-owner in the condominium.
- C. **Condominium Lot.** The condominium unit and the contiguous limited common element surrounding the condominium unit, which shall be the counterpart of "lot" as used in connection with a project developed under the [Land Division Act, 1967 PA 288](#), as amended.
- D. **Condominium Unit.** The portion of a condominium project designed and intended for separate ownership and use, as described in the master deed.
- E. **General Common Elements.** The common elements other than the limited common elements.
- F. **Limited Common Elements.** A portion of the common elements reserved in the master deed for the exclusive use of less than all of the co-owners.
- G. **Master Deed.** The condominium document recording the condominium project to which are attached as exhibits and incorporated by reference the bylaws for the project and the condominium subdivision plan for the project, and all other information required by Section 8 of the [Condominium Act](#).
- H. **Site Unit Condominium Development.** 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.

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Convalescent or Nursing Home. A home, qualified for license under applicable Michigan law, for the care of children, aged, infirm, or legally incapacitated persons, that provides facilities for four (4) or more individuals.

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

- A. requires regular visits by clients or customers;
- B. needs frequent delivery or shipment of goods;
- C. conducts regular operations or store materials outside of the residence;
- D. employs two (2) or more individuals who reside off premises;
- E. has the potential to rapidly increase in size and intensity

D

Deck. A horizontal structure of a single elevation or varying elevations, which is eight (8") inches or more in height and 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 structure.

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

Development. The construction or relocation of a building on a lot of record or the use of open land for a new activity.

Discretionary Standard. General standards in the Ordinance which are used in review of site plans, PUDs, and Special Land Uses which serve as the basis for determining whether a land use proposal is compatible with adjacent uses of land, natural resources, and public services as regulated and defined in the Zoning Ordinance. Discretionary standards cannot be readily measured or calculated.

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

Duplex. See [Dwelling, Two-Family](#).

Dwelling Unit. A building or portion of a building which has sleeping, eating, 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 structure be considered a dwelling unit.

Dwelling, Multiple-Family. A building, or portion thereof, designed exclusively for occupancy by three (3) or more families living independently of each other where each unit may have access to a common hallway, stairs or elevator (commonly referred to as an apartment building).

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Dwelling, Single-Family.

- A. ***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.
- B. ***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 (1) or more vertical common fire-resistant walls (also known as a townhouse or rowhouse).

Dwelling, Two-Family. A building designed exclusively for occupancy by two (2) families, living independently of each other.

Drive-In or Drive-Through Establishment. A commercial facility with access to roadways whose principal method of operation is to serve customers while in or temporarily out of their automobiles. Such facilities could include banks, laundry and dry cleaners, fast food restaurant, etc.

E

Easement. A right afforded a person to make a limited use of somebody else real property, as defined by law.

Erected. The construction, alteration, reconstruction, placement upon, or any physical alteration to a piece of land, including the excavating, moving, and filling of earth.

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

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

Exotic Animal. An animal introduced from another country or place, not native to Michigan, such as alpaca, llama, guanaco, ostrich, emu, etc.

Extraction Operation. The removal, extraction, or mining of sand, gravel, or similar material for commercial gain.

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F

Family.

- A. An individual or two (2) or more persons related by blood, marriage, or adoption together with foster children and servants of the principal occupants, with not more than one (1) additional unrelated person, who are domiciled together as a single, domestic housekeeping unit in a dwelling unit; or
- B. A collective number of individuals domiciled together in one (1) dwelling unit whose relationship is of a continuing non-transient domestic character and who are cooking and living as a single non-commercial housekeeping unit. This definition shall not include any society, club, fraternity, sorority, association, lodge, coterie, organization, or group of students or other individuals whose domestic relationship is of a transitory or seasonal nature or for an anticipated limited duration of a school term or terms or other similar determinable period. Foster family homes and foster family group homes shall be considered a residential use of property for the purposes of zoning and shall be regulated similar to a single-family home.

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

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

Farm Market/On-Farm Market/Roadside Stand. The sale of agricultural products or value-added agricultural products directly to the consumer from a site on a working farm or any agricultural, horticultural, or agribusiness operation or agricultural land.

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.

Feed Lot. Any tract of land or structure wherein any type of fowl, or the byproducts thereof, are raised for retail or wholesale trade, or wherein cattle, horses, sheep, goats, or swine are kept, for the purpose of fattening such livestock for final shipment to market, or where swine are kept under any conditions.

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Fence. A permanent or temporary barrier enclosing or bordering a plot of land or portion thereof composed of suitable man-made materials for the purpose of preventing or controlling entrance or to confine within or to mark boundary.

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

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

- A. Contiguous areas paralleling a river, stream, or other body of water that constitute at their maximum edge the highest flood levels experienced in a period of one hundred (100) years.
- B. Principal estuary courses of wetland areas that are part of the river flow system.
- C. Contiguous areas paralleling a river, stream, or other body of water that exhibit unstable soil conditions for development.

Floodway. The channel of any watercourse and those portions of the flood plain adjoining the channel which are reasonably required to carry and discharge floodwater.

Floor Area, Commercial. That area of a building used for or intended to be used for the sale of merchandise or services. Such floor area which is used for or intended to be used primarily for the storage or processing of merchandise, which may include hallways, breezeways, stairways, and elevator shafts, or for utilities and sanitary facilities, shall be excluded from the computation of usable floor area. Measurement of usable floor area shall be the sum of the horizontal areas of the floors in the building measured from the interior faces of the exterior walls.

Floor Area, Residential. The sum of the gross horizontal areas of the several floors of a building measured from the interior faces of the exterior walls or from the center line of walls separating two (2) buildings. The floor area is to include the basement floor area when more than one-half (1/2) of the height of the basement is above the established curb level, or finished lot grade, whichever is higher. Floor area does not include elevator shafts or stairwells on each floor, floor space used for mechanical equipment, attic space having headroom of seven (7') feet or less, and balconies. Any space devoted to off-street parking or loading shall not be included in the determination of floor area. Areas of basements, breezeways, porches, or attached garages are not included in the determination of floor area.

Floor Area Ratio, Net. The ratio between the total permitted floor area of a building or buildings and the total lot or site area.

G

Gazebo. A freestanding roofed structure completely open, or only lattice, railings, and/or screening enclosing the sides. It may be round or in the shape of a regular polygon.

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Grade. For purposes of this Ordinance, the level of the ground adjacent to the walls. In the case of lots with a sloping terrain, the grade shall be the average elevation of the ground adjacent to the walls.

Greenbelt. A specified vegetated area of property adjacent to lakes or separating different zoning districts or uses, within which certain development restrictions or requirements apply.

H

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

Home Occupation. An occupation, profession, activity, or use that is clearly an incidental and secondary use of a residential dwelling and which does not alter the residential character of the neighborhood.

Hospital. An institution providing health services primarily for in-patient and medical or surgical care of the sick and injured, including laboratories, outpatient departments, training facilities, central service facilities, and staff offices. Those institutions whose primary function is the care of the feeble minded or mentally ill are not considered hospitals.

Hotel. A commercial building occupied or used as a predominantly temporary living place by transient individuals or groups of individuals, with or without meals, and in which building there are more than five (5) sleeping rooms 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.

I

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

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

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.

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J

Junk. For the purposes of this Ordinance, this term shall refer to any motor vehicles, machinery, appliances, products, or merchandise with parts missing, waste, discarded, salvaged, or similar materials including metals, wood, slush, timber, glass, paper, rags, cloth, bagging, cordage, barrels, containers, etc.

Junk Yard. A place, structure, or lot where junk, waste, discarded, salvaged, or similar materials including metals, wood, slush, timber, glass, paper, rags, cloth, bagging, cordage, barrels, containers, etc., are bought, sold, disassembled, baled, exchanged, or handled. Junk yards include auto wrecking yards, used lumber yards, house wrecking yards, and places or yards for use of salvaged house wrecking and structural steel materials and equipment. Pawn shops and establishments which sell, purchase, or store used cars, salvaged machinery, used furniture, radios, appliances, or similar household goods and the processing of used, discarded, or salvaged materials as part of manufacturing operations are not considered junk yards.

K

Kennel. Any lot or premises on which four (4) or more dogs, cats or other household pets more than six (6) months of age are housed, groomed, bred, bearded, trained, or sold.

L

Lake Frontage. The land adjacent to and abutting the mean high water mark of all inland lakes and Great Lakes.

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.

Line of Sight. A line between the points nearest the water of main buildings on neighboring lots to a lot for which the front yard setback is being determined. The buildings which are used for determining the line of sight shall not be more than three hundred (300') feet apart. See [Sections 4.4.C.2.e, 4.5.C.2.e, 4.6.C.2.e, 4.8.C.2.e](#) and [Section 4.11 Schedule of Regulations](#) for specific standards on Line of Sight.

Loading Space. An off-street space on the same lot with a building or groups of buildings for temporary parking for a commercial vehicle while loading or unloading materials. Loading space is not to be included as off-street parking in the process of computing off-street parking areas.

Lot. A separate parcel of land occupied, or intended to be occupied, by a main building or a group of such buildings, or utilized for the principal use or uses accessory thereto, together with such yards and open spaces as required under the provisions of this Ordinance. A lot may or may not be specifically designated as such on public records. A lot shall not include public or private road easements or road right-of-ways. The word "lot" shall include parcel and a unit of land within a site condominium which gives the owner exclusive rights to a building envelope of which a building is

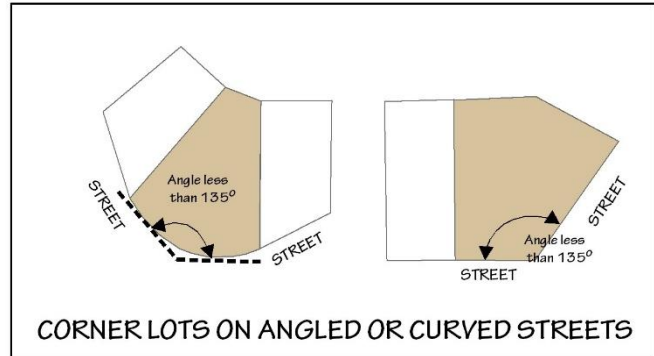
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placed and limited rights to the yard area surrounding the building.

Lot Area, Net. The total area of a horizontal plane within the lot lines of a lot, exclusive of any publicly dedicated street right-of-way abutting any side of the lot.

Lot, Corner. A lot where the interior angle of two (2) adjacent sides of the intersection of two (2) streets is less than one hundred and thirty-five (135°) degrees. A lot abutting upon a curved street or streets shall be considered a corner lot for the purposes of this Ordinance if, at the two (2) points where the lot lines meet the curve or the straight street line extended, form an interior angle of less than one hundred and thirty-five (135°) degrees.



Lot Depth. The depth of a lot is the horizontal distance from the center of the front lot line to the center of the rear lot line. In the case of a lakefront lot, it is from the lake frontage line to the street right-of-way frontage line.

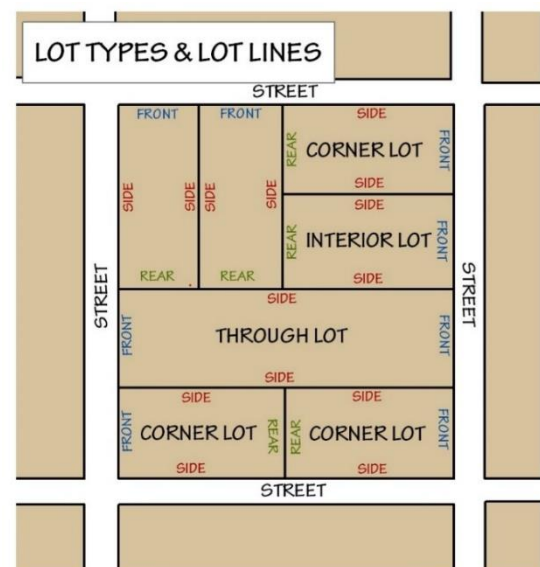
Lot, Double Frontage. A lot other than a corner lot having frontage on two (2) more or less parallel streets. In the case of a row of double frontage lots, one street will be designated as the front street for all lots in the plat and in any request for a zoning compliance permit. If there are existing buildings in the same block fronting on one or both of the streets, the required minimum front yard setback shall be observed on those streets where buildings presently front.

Lot, Interior. An interior lot is a lot other than a corner lot with only one (1) lot line fronting on a street.

Lot, Lake. A lot having frontage directly upon a lake, natural or man-made, river, creek, pond, or other artificial impoundment of water. The portion adjacent to the water shall be designated the lake frontage of the lot, and the opposite side shall be designated the street frontage of the lot.

Lot Line.

- A. **Front Lot Line.** In the case of an interior lot abutting on one (1) public or private street, the front lot line shall mean the line separating the lot from such street right-of-way. In the case of a corner or double frontage lot, the front lot line shall be that line separating said lot from that street which is designated as the front street in the plat and/or in the request for a building permit. In the case of a lakefront lot, the front lot line shall be the line adjoining the mean high water mark of said lake.



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B. **Rear Lot Line.** The rear lot line is that boundary which is opposite and most distant from the front lot line. In the case of a lot pointed at the rear, the rear lot line shall be that assumed line parallel to the front lot line not less than ten (10') feet long lying farthest from the front lot line and wholly within the lot. In the case of a lakefront lot, the rear lot line shall be the line separating the lot from the street right-of-way when the street is more or less parallel to the lake shoreline. If a lakefront lot does not abut a major street, the rear lot line shall be the line separating the lakefront lot from the adjoining lot nearer the street.

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

Lot Lines. Any line dividing one lot from another or from the right-of-way, and thus constitute property lines bounding a lot.

Lot of Record. A lot of record is a lot the dimension and configuration of which are shown on a map recorded in the office of the County Register of Deeds, or a lot or parcel described by metes and bounds, the accuracy of which is attested to by a Land Surveyor (so registered and licensed in the State of Michigan) and likewise so recorded and on file with the County Register of Deeds.

Lot Width. The horizontal distance 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**).

Figure A

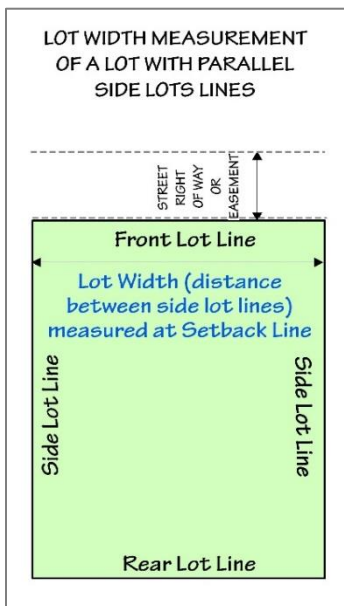


Figure B

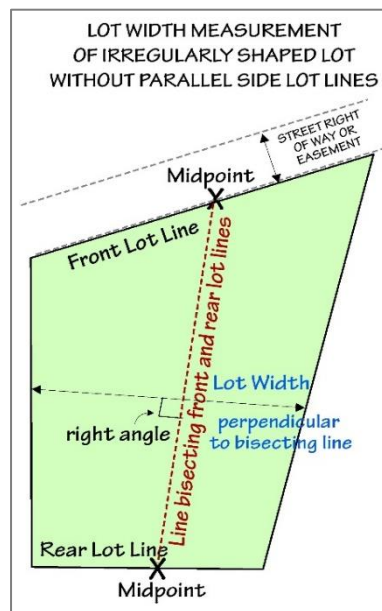
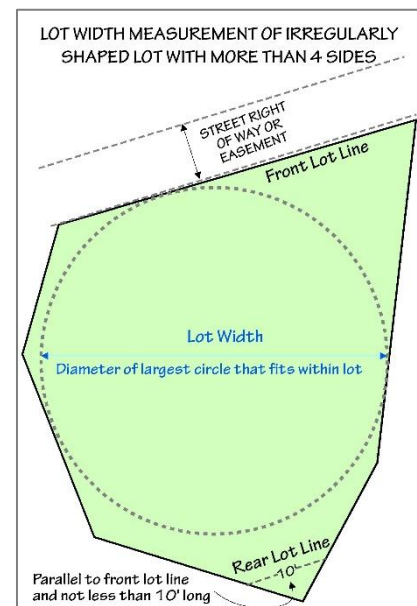


Figure C



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Marina. A facility for the docking, launching, servicing, sales, rental, and/or storage of watercraft. The sale of fuel and supplies for watercraft, groceries, convenience foods, and restaurant meals are accessory uses to an operating marina.

Manufactured Home. A single-family prefabricated dwelling, transportable in one (1) or more sections, designed for transportation on streets and highways on its own wheels and arriving at the site where it is to be occupied as a dwelling, complete and ready for occupancy, except for minor and incidental unpacking for assembly operations, location on jacks or permanent foundations, connection to utilities and the like.

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

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 \(Michigan Medical Marihuana Act, being MCL 333.26423\)](#).
- B. **Marihuana Facility.** An enterprise at a specific location at which a licensee is licensed to operate under the [Medical Marihuana Facilities Licensing Act, MCL 333.27101 et seq.](#), including a marihuana grower, marihuana processor, marihuana provisioning center, marihuana secure transporter, or marihuana safety compliance facility. The term does not include or apply to a “primary caregiver” or “caregiver” as that term is defined in the [Michigan Medical Marihuana Act, MCL 333.26421 et seq.](#)
- C. **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.](#)
- D. **Person.** An individual, corporation, limited liability company, partnership, limited partnership, limited liability partnership, limited liability limited partnership, trust, or other legal entity.
- E. **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.
- F. **Primary Caregiver Facility.** A building in which the activities of a Primary Caregiver are conducted.
- G. **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](#)

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and who has obtained a duly issued registry identification card from the [State Department of Licensing and Regulatory Affairs](#) or any successor agency.

Motel. An establishment which provides transient lodging and parking and in which the rooms are usually accessible from an outdoor parking area and in which one or more of the following services may be offered: maid service, furnishing of linen, telephone, secretarial or desk service, and bellboy service. A motel may include a restaurant or cocktail lounge and public banquet halls or meeting rooms. The term "motel" shall include motor courts, automobile courts, auto cabins, motor lodges, and similar facilities within this definition, but it shall not include cabins courts/cottage complexes, tourist homes, rooming houses, boarding houses, multiple-family dwellings, or hotels.

Motor Home. A motorized, self-contained vehicle utilized as a temporary living quarters in connection with travel and/or vacation usage. Also called a travel trailer or recreational vehicle.

N

Nonconforming Building. A structure, or portion thereof, legally existing at the time of the adoption of this Ordinance or subsequent amendments thereto, which does not conform with the floor area, setback, parking, or other dimensional regulations of this Ordinance.

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

Nonconforming Use. A use of land or building that was lawfully in existence prior to the adoption of the Zoning Ordinance or subsequent amendments thereto and which is therefore permitted to continue in the future even though current zoning regulations applying to that parcel would not permit it to be established now.

Non-Discretionary Standard. Criteria which specifically indicate a measurable numerical or performance standard that must be met or complied with in order to get zoning approval. For example, a setback, height, or bulk regulation is a "non-discretionary standard". Anyone can readily measure or calculate whether a proposed structure or site plan conforms with this type of standard.

Nursery, Plant. Any lot or structure used for the growing, harvesting, processing, storing, and/or selling of plants, shrubs, trees, and flowers, including products used for gardening and landscaping, but not including fruit and vegetable sales.

Nuisance. An offensive, annoying, unpleasant, or obnoxious thing, act, or practice; a cause or source of annoyance, especially a continual or repeated use or activity which invades the property of another so as to cause harm or discomfort, to the owner or resident of that property. Excessive or noisy vehicular traffic, dust, glare, smoke, and electrical interference are examples of nuisances.

Nuisance Per Se. A nuisance, which has been determined to be a violation of this Ordinance and is subject to remedy as a matter of law under the provisions of this Zoning Ordinance.

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

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O

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. Land proposed for outdoor recreational usage that would result in the development of impervious surfaces shall not be included as open space.

Ordinary High Water Mark. Defined in [Part 301 of the Natural Resources and Environmental Protection Act, 1994 PA 451](#), 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 that has a level established by law, it means the high established level. Where water returns to its natural level as the result of the permanent removal or abandonment of a dam, it means the natural ordinary high water mark. On Lake Huron, the ordinary high water mark is 581.5 feet above sea level as set by International Great Lakes Datum of 1985.

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

Outdoor Furnace/Boiler. Any equipment, device, or apparatus, or any part thereof, which is installed, affixed, or situated outdoors for the primary purpose of combustion of fuel to produce heat or energy used as a component of a heating system providing heat for any interior space or heating of water.

Outdoor Sales/Rental. Commercial activities occurring outside of an enclosed building, including but not limited to the following: bicycle, motor vehicle, boat, aircraft, home equipment sales, storage, repair or rental services, outdoor display, sale of mobile homes, farm implements, recreation vehicles, gardening equipment, and outdoor furniture.

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*.

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

Parking Lot, Off-Street. A facility providing a means of temporarily storing two (2) or more motor

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vehicles in a defined space that includes adequate aisles and drives for maneuvering such motor vehicles and entrance and exit.

Parking Space. An area not less than eight and one-half feet (8½') wide and not less than twenty (20') feet long for standard-sized automobiles. Handicapped parking spaces will be in conformance with the Americans with Disabilities Act.

Patio. A paved open space, used for outdoor living purposes and constructed of any materials providing a hard, durable surface, placed directly on the ground.

Performance Guarantee. A cash deposit, certified check, irrevocable bank letter of credit, or a performance or surety bond approved by Krakow 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. Use permitted in a particular zone without any special hearing or Planning Commission review procedure, provided minimum lot size, height, setbacks, parking and accessory use requirements are met. A single-family home in a low density residential district is typically a permitted use.

Person. In addition to being an individual, the term "person" may be applied to a married couple, partnership, corporation, association, firm, limited liability company, government entity, non-profit organization, or any other legal entity.

Personal Water Craft (PWC). A high speed water craft that is designed to carry one (1) or more persons, but is not designed for fishing.

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.

Plot Plan Review. The process, completed administratively, of reviewing plot plans (drawings) that illustrate the layout of land and structures, for conformance with Ordinance requirements.

Porch, Enclosed. A covered totally enclosed space located on any side of a building and attached to the main building. An enclosed porch is considered part of the main building. An enclosed porch shall conform to setbacks.

Porch, Open. A covered space located on any side of a building, with the roof supported by columns, and attached to the main building, but not considered an integral part of the main building. An open

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porch shall conform to setbacks if there is more than one (1) step up to the porch.

Practical Difficulty. A term that applies to decisions by a Zoning Board of Appeals on dimensional variance requests. The Zoning Board of Appeals is responsible for determining “Practical Difficulty”.

Principle Use. A land use designation given to a legally defined parcel of land and based upon the primary activity occurring on such parcel.

Public Utility. A person, firm or corporation, municipal department, board, or commission duly authorized to provide and providing, under Federal, State, or municipal regulations to the general public any of the following: water, gas, steam, electricity, telephone, telegraph, waste disposal, communication, or transportation.

R

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

Recreation Vehicle. A motorized vehicle primarily designed and used as temporary living quarters for recreational camping or a non-motorized vehicle mounted on or drawn by another vehicle to be used for recreation, vacation or traveling purposes. Also known as a motor home, travel trailer, camping trailer, truck camper, or pop-up camper.

Residential Human Care Facility. 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 parcel of land which may contain cabins and/or rooms with or without kitchen facilities, used primarily for vacation and/or recreational activity, and which may or may not contain a small commercial grocery, sporting goods, gasoline service outlet, and/or food service facility.

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

Restaurant. A business located in a building where, in consideration for the payment of money, meals are habitually prepared, sold, and served to persons for consumption on or off the premises, having suitable kitchen facilities connected therewith, containing conveniences for cooking an assortment of

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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.

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

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

Rezoning. The name of the process for changing a zoning district from one classification to another.

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

Road or Roadway. See [Street](#).

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.

School. A public or private educational institution offering students a conventional academic curriculum, including kindergartens, elementary schools, middle schools, and high schools. Such term shall also include all adjacent properties owned by and used by such schools for educational, research, and recreational purposes.

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

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

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

Self-Created. A term referring to a zoning problem created by action of the applicant himself. A self-created problem is not grounds for a variance.

Setback. The minimum required horizontal distance measured from the front, side, or rear lot line, whichever is applicable, of a lot for purposes of determining the minimum amount of open space surrounding the main structure on that lot. (See [Section 4.3.C.2](#) for how to measure setback).

Sexually Oriented Business. A business or commercial enterprise engaging in any of the following. (A) adult arcade; (B) adult bookstore or adult video store; (C) adult cabaret; (D) adult motel; (E) adult motion picture theater; (F) adult theater; (G) escort agency; (H) nude model studio; and (I) similar

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establishments.

A. **Adult Arcade.** Any place to which the public is permitted or invited wherein coin-operated or slug-operated electronically or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to five (5) or fewer persons per machine at any one time and where the images so displayed are distinguished or characterized by depicting or describing of Specified Sexual Activities or Specified Anatomical Areas.

B. **Adult Bookstore or Adult Video Store.** A commercial establishment that, as one of its principal business purposes, offers for sale or rental for any form of consideration one (1) or more of the following:

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

A commercial establishment may have other principal business purposes that do not involve the offering for sale or rental of material depicting or describing Specified Sexual Activities or Specified 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 25% 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, or 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, or other photographic reproductions or visual media that are characterized by the depiction or

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- description of Specified Sexual Activities or Specified Anatomical Areas and has a sign visible from the public right of way that advertises the availability of any of the above;
2. Offers a sleeping room for rent for a period of time that is less than twelve (12) hours; or
 3. Allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than twelve (12) hours.
- E. **Adult Motion Picture Theater.** A commercial establishment which for any form of consideration, regularly and primarily shows films, motion pictures, video cassettes, slides, or other photographic reproductions or visual media that are characterized by depiction or description of Specified Sexual Activities or Specified Anatomical Areas.
- F. **Adult Theater.** A theater, concert hall, auditorium, or similar commercial establishment that regularly features a person or persons who appear in a state of nudity or live performances that are characterized by exposure of Specified Anatomical Areas or by Specified Sexual Activities.
- G. **Human.** Besides the customary meaning, the term “human” shall also include non-living anthropomorphic (resembling human) devices, both physical and digital.
- H. **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.
- I. **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.
- J. **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.
- K. **Specified Sexual Activities.** Means and includes any of the following:
1. Human genitals in a state of sexual arousal.

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

Shopping Center. More than one (1) commercial retail establishment, planned, developed, owned, and managed as a unit, with off-street parking provided on the property.

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

Sign. Any device designed to inform the general public or attract the attention of persons.

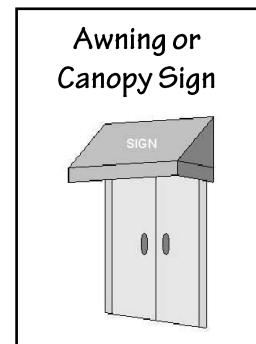
The following definitions relate to signs:

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

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

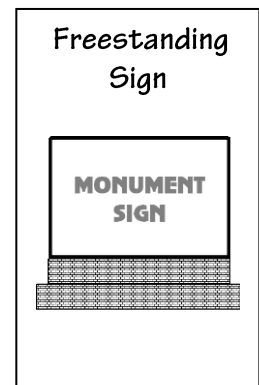
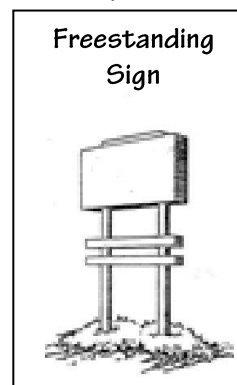
B. **A-Frame Sign.** Self-supporting temporary sign consisting of two (2) panels hinged at the top providing advertising on each panel and can be readily moved within a property or to another property. Also called "sandwich board".

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



D. **Billboard.** A constructed unit upon which a verbal and/or pictorial sign or advertisement is fastened for the purpose of disseminating information to the general public, but not including bulletin boards on government property used to display official or public notices and information.

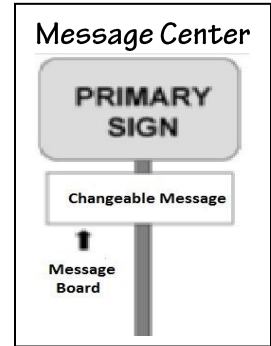
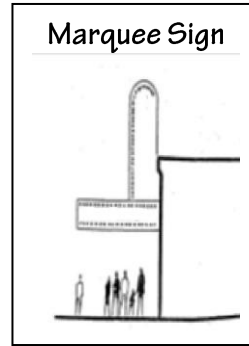
E. **Freestanding Sign.** A sign which is attached to or part of a completely self-supporting structure. The supporting structure shall be placed in or below the ground surface and not attached to any building or any other structure whether portable or stationary. Freestanding signs include monument-style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



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

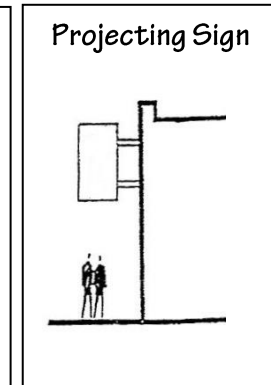
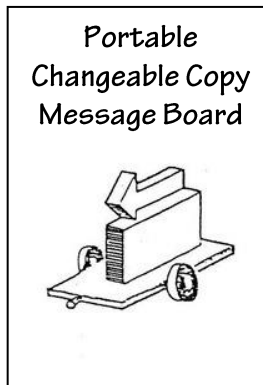
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G. **Message Center, Static.** A sign with a changeable display/message consisting of alphabetic, pictographic, or symbolic informational content that must be changed manually by non-electronic means.



H. **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.

I. **Off-Premise Sign.** A sign relating to matter which is off the premises in question.



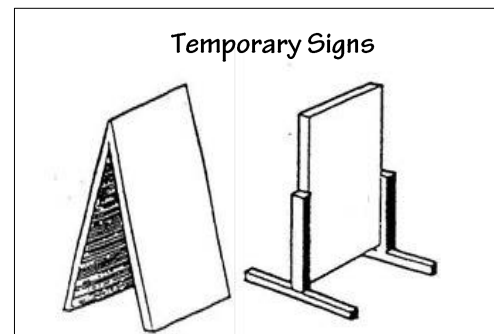
J. **On-Premise Sign.** Any sign which is not classified as an Off-Premise Sign.

K. **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.

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

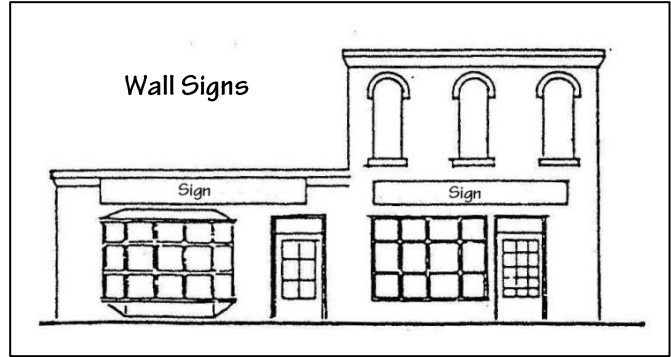
M. **Portable Changeable Copy Sign.** Any changeable copy sign not permanently attached to the ground or a building and is designed to be transported by some means such as a trailer or wheels.

N. **Temporary Sign.** A display sign, banner, or other advertising device constructed of cloth, canvas, fabric, plastic, or other light temporary material, with or without a structural frame, or any other sign intended for a limited period of display, but not including decorative displays for holidays or public demonstration. A temporary sign 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.



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O. **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. The entire area within a continuous perimeter, enclosing the extreme limits of sign display, including any frame or border. Curved, spherical, or any other shaped sign face shall be computed on the basis of actual surface area. The copy of signs composed of individual letters, numerals, or other devices shall be the sum of the area of the smallest rectangle or other geometric figure encompassing all of said letters or devices. The calculation for a double-faced sign shall be the area of one (1) face only. Double-faced signs shall be constructed so that the perimeter of both faces coincide and are parallel and not more than twenty-four (24") inches apart.

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 by the Planning Commission according to the procedures set forth in this Ordinance to determine if the proposed development meets the requirements of this Zoning Ordinance.

Site Plan Review. The process, completed by the Planning Commission, of reviewing site plans (drawings) that illustrate the layout of land and structures for conformance with Ordinance requirements.

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

Solar Energy Facility (Utility Scale). A facility designed to capture and utilize the energy of the sun to generate electrical power. 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.

Solar Energy Panels (Accessory). Panels designed to capture and utilize the energy of the sun to generate electrical power.

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Special Land Use. A term for a class of land use permitted in particular zoning district when use-specific standards stated in the Zoning Ordinance have been met. Special Land Uses have characteristics that make them potentially incompatible with adjacent uses of land unless special care is taken during the review process.

Stable, Private. A building for housing domestic animals, other than dogs, cats, or similar small animals, when not conducted as a business and solely for the personal use of the residents of the premise or owner of the property.

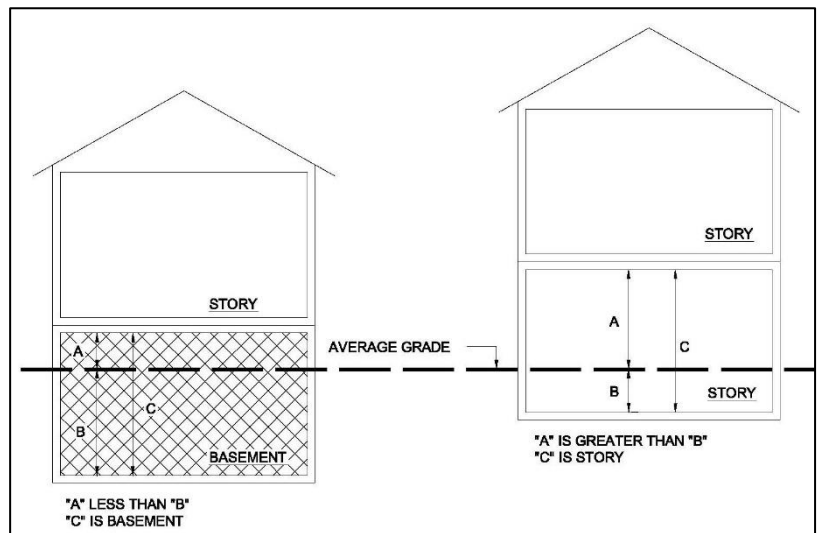
Stable, Commercial. Building in which any horses are kept for hire or sale.

Standards. Either general or specific requirements stated in the Ordinance which must be met in order for a proposed land use to be established on a parcel. They may be part of a discretionary or a non-discretionary review process.

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

- A. **Storage (Accessory).** Storage which is accessory to the principal use of the premises.
- B. **Storage Facility.** A building or property on which storage is carried out as the principal use of the property (i.e. Mini-Storage Facility).

Story. That portion of a building included between the upper surface of any floor and the upper surface of the plane immediately above, except that the top story shall be that portion of a building included between the upper surface of the uppermost floor and the ceiling or roof immediately above. 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, Half. An uppermost story lying between the top part of a full story and a sloping roof, provided said floor area does not exceed one-half ($\frac{1}{2}$) of the full story, contains at least one hundred and sixty square feet (160 ft²) and has a minimum floor to ceiling clearance of seven feet-six inches (7' 6").

Street. Any public or private thoroughfare dedicated and maintained for the use and operation of automotive vehicular traffic by the County Road Commission, other public agency, or by private

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property owners which affords general traffic circulation and access to abutting property, but does not include alleys.

Structure. Anything constructed or erected on the ground or which is attached to something located on the ground. Structures include buildings, decks, radio, TV and communication towers, satellite dishes, manufactured homes, prefabricated shelters, sheds, permanent signs, and gas pigs, and excludes vehicles, sidewalks, and paving.

T

Temporary Building and Use. A structure or use permitted by the Zoning Administrator to exist during periods of construction of the main building, but not to exceed twelve (12) months duration, with renewal option. See [Section 3.15](#). Also, a structure permitted during special events.

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

Town House. See [Dwelling, Single-Family: Dwelling, Single-Family Attached](#).

Travel Trailer. A recreational vehicular, portable unit built on a chassis designed to be used as a temporary dwelling for travel and recreational purposes. Such vehicle is not to exceed eight (8') feet in width or thirty-two (32') feet in length. Truck mounted campers are considered travel trailers for purposes of this Ordinance.

U

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

Usable Floor Area. Net floor area used for or intended to be used for the sale of merchandise or used to serve patrons, clients, or customers. Floor area used or intended to be used principally for the storage of merchandise or for utilities shall be excluded from the computation of usable floor area.

V

Vacant Lot. A lot on which no main building has been constructed or erected.

Variance. A modification of the literal provisions of the Zoning Ordinance which is authorized by the Zoning Board of Appeals when strict enforcement of the Ordinance would cause either an unnecessary hardship or practical difficulty.

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

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W

Wind Turbine Generator. A wind energy conversion system which converts wind energy into power. May include a tower, pylon, or other structure, including all accessory facilities, upon which any, all, or some combination of the following are mounted:

- 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.
- A shaft, gear, belt, or coupling device used to connect the rotor to a generator, alternator, or other electrical or mechanical energy-producing device.
- A generator, alternator, or other device used to convert the energy created by the rotation of the rotor into electrical or mechanical energy.

The following definitions are related to wind turbine generators:

- A. **Ambient.** Ambient is defined as the sound pressure level exceeded ninety (90%) percent of the time.
- B. **Anemometer.** 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. **Height of Wind Turbine Generator.**
 1. **Horizontal Axis Wind Turbine Rotors.** The distance between the ground and the highest point of the wind turbine generator, plus the length by which the rotor wind vanes or blades mounted on a horizontal axis wind turbine rotor exceeds the height of the wind turbine generator.
 2. **Vertical Axis Wind Turbine.** The distance between the ground and the highest point of the wind turbine generator.
- F. **Horizontal Axis Wind Turbine.** A wind turbine generator in which the rotor(s) rotate around a horizontal shaft.
- G. **Small Wind Turbine Generators.** Horizontal and vertical axis units, principally used to serve the needs of the consumer on whose property they are constructed.
- H. **Large Wind Turbine Generators.** Units which are built to supply the utility grid.

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- I. **Shadow Flicker.** Alternating changes in light intensity caused by the moving blade of a wind power generator casting shadows on the ground and stationary objects such as the window of a dwelling.
- J. **Vertical Axis Wind Turbine.** A wind turbine generator in which the rotor rotates around a vertical shaft.
- K. **Wind Resource Study.** A study conducted to determine the wind speeds at a specific site and the feasibility of using that site for wind power generation.

Wireless Communications Facility (Telecommunication Towers and Facilities). 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.

- A. **Alternative Tower Structure.** Man-made trees, clock towers, bell steeples, light poles, and other similar alternative-design mounting structures that camouflage or conceal the presence of antennas or towers.
- B. **Antenna Array.** An Antenna Array is one or more rods, panels, discs, or similar devices used for the transmission or reception of radio frequency signals, which may include omni-directional antenna (rod), directional antenna (panel) and parabolic antenna (disc). The Antenna Array does not include the Support Structure.
- C. **Collocation.** To place or install wireless communications equipment on an existing wireless communication support structure or in an existing equipment compound.
- D. **Height.** When referring to a Wireless Communication Facility, height shall mean the distance measured from ground level to the highest point on the Wireless Communication Facility, including the Antenna Array.
- E. **FAA. Federal Aviation Administration.**
- F. **Personal Wireless Services Telecommunications Towers And Facilities** - Self-supporting or guyed towers of one hundred fifty feet (150') or less that provide data and internet access within a three to five (3-5) mile radius.
- G. **Setback.** Setback shall mean the required distance from the property line of the parcel on which the Wireless Communication Facility is located or residential district to the base of the Support Structure.
- H. **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 ft³) 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 ft³) cubic feet.

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2. All other wireless equipment associated with the facility is cumulatively not more than twenty-five (25 ft³) 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.
- I. **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.
- J. **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.
- K. **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 (Attachment Structure).
- L. **Wireless Communications Support Structure.** Structures erected or modified to support wireless communication antennas. Support structures within this definition include, but shall not be limited to, monopoles, lattice towers, light poles, wood poles and guyed towers, or other structures which appear to be something other than a mere support structure. Also known as a "tower".

Y

Yard. An open space on the same lot with a building or building group lying between the front, rear or side wall of a building and the nearest lot line, except for specific minor uses or structures allowed in such open space under the provisions of this Ordinance.

Yard, Corner Side. A side yard which adjoins a public street.

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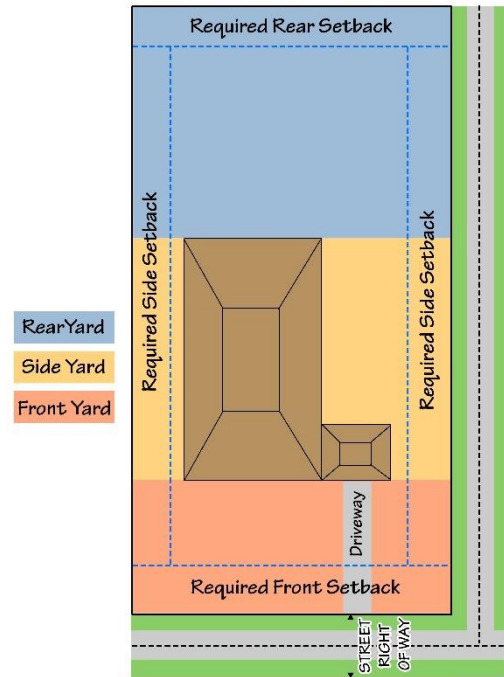
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Yard, Front. A yard extending the full width of the lot on which a building is located and situated between the front lot line and a line parallel thereto and passing through the nearest point of the building.

Yard, Interior Side. A side yard located immediately adjacent to another lot or to an alley or easement separating such side yard from another lot.

Yard, Rear. A yard extending the full width of the lot on which a building is situated and located between the rear lot line and a line parallel thereto and passing through the nearest point of the building.

Yard, Side. A yard on the same lot as a building situated between the side lot line and a line parallel thereto and passing through nearest point of the building and extending from the front yard to the rear yard.



Z

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

Zoning District. See *District, Zoning*.

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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3.7	Essential Public Services	3-3	3.26	Floodplains	3-14
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Section 3.1 The Effect of Zoning

The provisions of [Article 3](#) shall apply to all districts, except as noted herein.

A. Conformance to Ordinance Required.

In order to carry out the intent of this Ordinance, hereinafter no use or activity on a piece of land shall be allowed or maintained and no building or structure or part thereof shall be allowed to be used, constructed, remodeled, altered, or moved upon any property unless it is in conformance with this Ordinance and a zoning permit has been obtained. If an activity or use is exercised on or a building, structure, or part thereof is placed upon a piece of property in direct conflict with the intent and provisions of the Ordinance, such activity, use, building, or structure shall be declared a violation of

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the Ordinance and may be required to be vacated, dismantled, abated, or cease operations by any legal means necessary and such use, activity, building, or structure shall not be allowed to function until it is brought into conformance with this Ordinance. Zoning affects every structure and use and extends vertically from the ground up.

B. Legal Nonconforming Uses or Structures.

In the event a use, activity, building, or structure exists or is under construction at the time of the adoption of this Ordinance and is not in conformance with the provisions of the zoning district in which it is located, such use, activity, building, or structure shall be considered a legal nonconforming use or structure and shall be allowed to remain as such for construction to be completed, providing said construction does not require more than one (1) year from the effective date of this Ordinance for completion. If said construction is continued for more than one (1) year, the legal status of the activity, use, building or structure shall be determined by the Township Planning Commission. Nonconforming uses or structures shall be regulated by [Section 3.33](#).

C. Required Area or Space.

No lot, or lots in common ownership, nor yard, court, parking space, or any other place shall be so divided, altered, or reduced as to be less than the minimum allowable dimension as defined in this Ordinance except where such reduction has been brought about by expansion or acquisition of public rights-of-way for streets, roads, or highways. If such areas are already less than the minimum allowable dimensions set forth herein, they shall not be divided, altered, or reduced further. Yards or lots created after the effective date of this Ordinance shall meet at least the minimum requirements established by this Ordinance.

D. Continued Conformance with Requirements.

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.

Section 3.2 Moving of Buildings

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 3.3 Subdivision of Land

All land hereafter divided into two (2) or more lots for the purpose of sale or lease for residential, commercial, industrial, or other use shall be in conformity with the provisions of this Ordinance. Such lots shall be subject to all provisions of the zoning district in which the parcel is located governing area, width, frontage, and other requirements concerning applicable land uses.

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Section 3.4 Zoning Lots

A. New Lots to be Buildable.

All newly created lots shall have buildable area. The net buildable area of a lot shall be a contiguous piece of land excluding land subject to flooding six (6) or more months of the year, poor drainage, steep slopes, rock outcrops, and land encumbered by easements preventing the use of the land.

B. Minimum Lot Size.

No new lots shall be created which do not meet the minimum lot size regulations of this Ordinance with the exception of parcels described and designated as "outlots" in a recorded plat.

Section 3.5 Restoration of Unsafe Building/Barrier-Free Modification

A. Unsafe Buildings.

Nothing in this Ordinance shall prevent the strengthening of a lawful, conforming building or structure, or a point thereof, which has been declared unsafe by the Zoning Administrator, Building Official, or Public Health Inspector, nor the requirement to adhere to the lawful orders of such officials.

B. Barrier-Free Modification.

Nothing in this Ordinance shall prevent the modification of a non-residential building only as may be necessary to comply with barrier-free requirements and the [Americans with Disabilities Act](#). A variance may be required.

Section 3.6 Water Supply/Sanitary Facilities

Every building hereafter erected, altered, or moved upon any premises and used in whole or in part as dwellings (year-round or seasonal), recreational, business, commercial, or industrial purposes, including churches, schools, and other buildings in which persons customarily congregate, shall be provided with a safe and sanitary water supply system and with means for collecting and disposing of all domestic, commercial, and industrial wastewater and other wastes that may adversely affect health conditions. All water supply and sanitary sewage disposal systems shall be subject to compliance with [District Health Department](#) sanitary code requirements. Plans must be submitted to and approved by the responsible agencies. The written approval of such facilities by District Health Department shall be filed with the application for a Zoning Permit.

Section 3.7 Essential Public Services

The erection, construction, alterations, and maintenance of facilities considered to be essential to serve the general public shall be exempt from the regulations set forth in the Ordinance and shall be

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permitted in any zoning district, except those considered by the Planning Commission to be a danger to the health, safety, or welfare of the general public.

Section 3.8 Illegal Dwellings

The use of any portion of a basement not considered a story or of a non-completed or partially completed structure for dwelling purposes shall not be allowed. Garages or accessory buildings shall not be occupied for dwelling purposes unless otherwise allowed as an Accessory Dwelling Unit.

Section 3.9 Street Access

Any lot or parcel of record created after the effective date of this Ordinance shall have access to a public street right-of-way (through direct access or through a private road or easement) except as may be provided for otherwise in a Planned Unit Development designed in accordance with the applicable provisions of this Ordinance.

Section 3.10 Demolition Permits

No building shall be razed except by permit from the [County Building Official](#).

Section 3.11 Accessory Buildings or Accessory Structures

A. Accessory Building/Structures Attached to the Main Building.

1. Accessory buildings/structures, including enclosed porches, garages, decks, and breezeways attached to the main building shall be considered a part of that building for purposes of determining yard areas and setbacks.
2. Where the accessory building/structure is attached to a main building it shall be subject to all codes and ordinances applicable to the main building, except in the calculation of the floor area.

B. Accessory Building without Foundation or Footings.

Accessory buildings (storage sheds) under one hundred-fifty (150 ft²) square feet in area may be erected without a foundation or footings. Zoning Administrator may require a gravel bed or the installation of an anchoring system.

C. Location (Detached Accessory Buildings).

1. **Setbacks.** Accessory buildings shall comply with all applicable setback requirements for the main building. Structures designed and used only for school bus pickup sheds or pump houses shall be exempt from this requirement.

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2. **Distance from Other Structures.** An accessory building must be a minimum of ten (10') feet from any other existing structures.
3. **Location in Yard.** An accessory building may be located in any yard.

D. Height.

No accessory building in a residential district shall exceed the height of the main building by more than fifty (50%) percent or exceed a height of thirty (30') feet.

E. Accessory Building as a Dwelling.

No accessory building shall be used as living or sleeping quarters, unless it was constructed for that purpose and is otherwise allowed by this Ordinance.

F. Accessory Building without a Main Building.

1. **Vacant (Undeveloped) Lake Lots.** One (1) single storage building not to exceed one hundred and fifty (150 ft²) square feet in area and fifteen (15') feet in height may be erected on vacant lakefront lot provided the requirements for the district are met and plot plan is approved. It must be set back seventy-five (75') feet from the mean high water mark. The storage building shall have no footings.
2. **Vacant (Undeveloped) Residential Non-Lake Lots.** No accessory building shall be built on a vacant lot in any residential district closer than forty (40') feet from the front lot line. Accessory buildings shall conform to the setbacks of the main building on the side and rear lot lines.

G. Nontraditional Storage Facilities.

1. Truck bodies, school bus bodies, mobile homes, travel trailers, or other items built and intended for other uses shall not be used as permanent accessory buildings/structures. Semi-trailers may be used as temporary storage for no more than twelve (12) consecutive months in areas zoned for agricultural, commercial, and industrial uses.
2. **Shipping Containers.** Shipping containers shall be allowed to be used as accessory buildings for storage purposes only in the F-R and A Districts on all lots and in the R-1 and R-2 Districts on non-lakefront lots. Shipping containers are NOT allowed on lakefront lots.
 - a. **R-1 and R-2 Districts.** If the shipping container is visible from the road or from any other property, the shipping container 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.

H. Permits.

All accessory buildings/structures require a zoning permit.

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Section 3.12 Recreational Vehicles & Tents

A. Occupancy of Recreational Vehicles.

1. **Lakefront Lots.** On lakefront lots, recreational vehicles including travel trailers, campers, pickup campers, and motor homes may be parked and occupied on a parcel of land, whether the land is developed or vacant, during the period from May 1 to October 31. The cumulative occupancy during this period shall not exceed thirty (30) days. After October 31, the recreational vehicle shall be completely removed from vacant lakefront lots. Occasional use during other times for seasonal recreational purposes is permitted, but shall not exceed fourteen (14) days during any thirty (30) day period. Tent camping shall be limited to fourteen (14) days during any forty-five (45) day period.
2. **Non-Lakefront Lots.** On non-lakefront lots which are developed or vacant, there is no time limit to recreational vehicle occupancy, however recreational vehicles shall not be used as permanent year-round living quarters.
3. **Waste.** All recreational vehicles and tents shall either be equipped with holding tanks or an approved portable toilet for waste, which shall be emptied at a facility expressly constructed for such waste disposal or cleaned out by a professional service.
4. **Setbacks.** Yard setbacks for the main building in each district shall be adhered to when the tents and recreational vehicles are set up for camping. The Zoning Administrator may approve tents and recreational vehicles in the side setbacks if the adjacent lot is vacant or, for developed adjacent lots, if prior consent is given from the owner of the property adjoining the particular side yard.

B. Storage of Recreational Vehicles and Watercraft in Residential Districts.

- A. Parking of an unoccupied recreational vehicle on any residential lot for the purpose of this Ordinance will be considered storage.
- B. No vehicles or watercraft exceeding six (6') feet in height will be stored in the front, rear, or side yards within the setbacks established for that district. The Zoning Administrator may approve storage in the side setbacks if the adjacent lot is vacant or, for developed adjacent lots, if prior consent is given from the owner of the property adjoining the particular side yard.
- C. Recreational vehicles and watercraft stored on private property shall be under the same ownership as the property.
- D. Only water-oriented equipment and watercraft will be stored in the front yard of lakefront lots.
- E. On vacant (undeveloped) lakefront lots, year-round storage of such recreational vehicles and water craft on vacant private property is not permitted.
- F. No vehicles or watercraft will be accepted for storage for remuneration except for approved commercial storage facilities.

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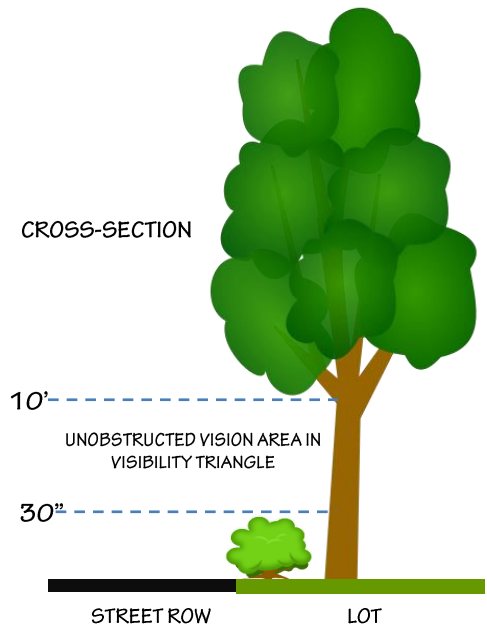
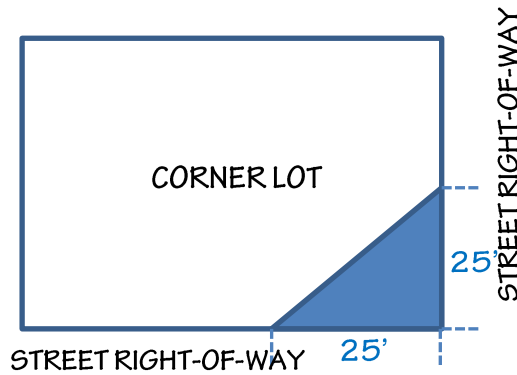
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Section 3.13 *Reserved*

This section is reserved.

Section 3.14 Corner Visibility

On corner lots, no plants, fence, wall, sign, or other structure shall be established or maintained between the heights of thirty (30”) inches and ten (10’) feet. Such unobstructed corner shall mean a triangular area formed by the street property line of two (2) intersecting streets and a line connecting those twenty-five (25’) feet from the point of intersection. In the case of a rounded street corner, such measurement shall be from the street lines extended to form an intersection.



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Section 3.15 Temporary Buildings

A. Temporary Buildings or Travel Trailers Incidental to Construction Activities.

Temporary buildings or travel trailers are permitted during construction activities.

1. Adequate sanitary facilities and ventilation must be provided and a permit indicating such must be secured from [District Health Department #4](#).
2. Such temporary buildings or travel trailers shall be placed no closer than five (5') feet from the side and rear property line nor closer than ten (10') feet from the front property line. If on a water lot, it shall not closer than forty (40') feet from front property line.
3. Explosive and/or flammable materials stored in said structures shall be indicated as such by clearly visible signs placed on or near the structure or structures.
4. The owner, lessee, or contractor shall guarantee, in writing, removal of such building or trailer from the premises upon completion of construction.
5. Temporary buildings or travel trailers may be erected or moved upon a parcel for a period not to exceed one (1) year from the date of issuance of a zoning permit.
6. Temporary buildings or travel trailers used for dwelling purposes shall be removed within thirty (30) days after the completion or abandonment of the construction work.
7. No annexes or additions shall be added to temporary dwellings.

B. Dwelling as Sales Office.

The Zoning Administrator may authorize a certification for a dwelling house to be temporarily used as a sales and management office for the sale of homes within a subdivision for a period of one (1) year, provided all of the following requirements are complied with:

1. The house to be used as such office is built upon a lot approved as part of the approved subdivision or development and is of substantially similar design as those houses to be sold within the subdivision or development.
2. No retail sales or business other than that accessory to the management and sales of the land in the subdivision owned by the applicant shall be permitted.
3. Said dwelling house shall meet all other zoning restrictions of the zone in which it is located.

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Section 3.16 Construction Debris

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

Section 3.17 Dumping of Materials

A. Storage, Dumping of Waste, Junk, etc.

The use of land or water resources for the storage, collection, or accumulation of used construction materials or for the dumping or disposal of scrap iron, metal, rubber, plastic refuse, junk, slag, or ash (except for those properly sealed or adequately concealed organic materials discharged in the performance of farming activities on the same lot or parcel on which the premises are located) must conform to State and Federal Legislation pertaining to dumping of waste materials. Such dumping or disposal shall not negatively affect the water table, nor cause pollution of stagnant or running water in any area of the Township so as to create health or safety problems to the natural environment and the inhabitants of the Township, nor shall the natural terrain be altered in any fashion to create safety or health hazards, or substantially alter the character of the land so as to make it unusable for the uses for which it was originally zoned nor create olfactory or visual pollution.

B. Dumping of Soil, Sand, and Clay Materials.

The extensive dumping (stockpiling) of soil, sand, clay, or similar materials shall not be allowed on any lot or parcel without the issuance of a Special Land Use permit by the Planning Commission.

C. Dumping of toxic chemicals, toxic material, and/or nuclear waste shall not be allowed.

Section 3.18 Storage of Materials

A. Temporary Storage of Used Materials.

The temporary storage, collection, or placing of used or discarded materials such as lumber, scrap iron, slag, ashes, or other such matter shall be allowed only after a permit is issued by the Planning Commission stating the conditions under which such activity shall be performed. The Planning Commission shall require the removal of such materials from districts in which said materials are illegally stored or placed. Such removal shall take place within thirty (30) days after written notice is sent by the Zoning Administrator to the person or persons responsible for said storage, notifying them of the violation and stating the date on which such materials must be removed from the premises, and/or the date, time, and place the individual may appear before the Planning Commission to request a Special Land Use permit for such storage.

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B. General Storage.

When materials or objects, not including recreational vehicles and recreational equipment, are stored in any yard, such storage shall be located at least ten (10') feet from the property line and, in the case of lakefront lots, at least sixty-five (65') feet from the ordinary high water mark.

Section 3.19 Excavation or Holes

- A. The construction, maintenance, or existence of unprotected or non-barricaded holes, pits, wells, building pads, or similar excavation 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 for industrial or farming operations, provided appropriate precautionary measures, such as the placement of warning signs, fences, etc., have been approved by the Zoning Administrator and 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, Presque Isle County, Krakow Township, or other units of government.
- B. Excavation resulting from the extraction of sand, gravel, or other minerals for commercial purposes shall be required, upon termination of such activities for a period of one (1) year or more, to be refilled by the person, firm, or corporation engaging in such excavation. The excavated site shall also be graded and returned, as far as possible, to its natural state, including planting of vegetation indigenous to the area, unless alternate plans approved by the Planning Commission are submitted by the owner or occupant.

Section 3.20 Hazardous Substances

The following provisions apply to persons, businesses, or entities that use, generate, or store hazardous substances in quantities greater than twenty-five (25) gallons or two hundred twenty (220) pounds per month. All storage and containment facilities shall be designed in conformance with all current **USEPA** and/or State of Michigan standards and applicable sections of the **Michigan Building Code**, as adopted. Stamped engineered drawings certifying that the facilities are in compliance with those standards shall be submitted to the Township as part of the site plan review process.

- A. Sites at which hazardous substances and polluting material are stored, used, or generated shall be designed to prevent spills and discharges to the air, surface of the ground, groundwater, surface water, and wetlands.
- B. Secondary containment for aboveground areas where hazardous substances and polluting materials are stored or used shall be provided and maintained. Secondary containment shall be sufficient to store the substance for the maximum anticipated period of time necessary for the recovery of any released substance.
- C. General purpose floor drains shall be allowed only if they are connected to a public sanitary sewer system, an on-site holding tank, or a system authorized through a State groundwater discharge permit.

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- D. State and Federal agency requirements for storage, spill prevention, record keeping, emergency response, transport, and disposal of hazardous substances and polluting materials shall be met. No discharges to groundwater, including direct and indirect discharges, shall be allowed without required permits and approvals.

Section 3.21 Outdoor Furnaces/Boilers

A. Outdoor Furnaces/Boilers Intent.

Although outdoor furnaces/boilers may provide an alternative to conventional heating systems, concerns have been raised regarding the safety and environmental impacts of these heating devices, particularly the production of offensive odors and potential health effects of the uncontrolled emissions. This Ordinance is intended to ensure the outdoor furnaces/boilers are utilized in a manner that does not create nuisance and is not detrimental to the health, safety, and general welfare of the residents of Krakow Township.

B. Permit Required.

No person shall cause, allow or maintain the use of an outdoor furnace/boiler within the Township of Krakow without first having obtained:

1. A zoning permit from the Township Zoning Administrator.
2. A mechanical permit from the State Mechanical Inspector.

C. Existing Outdoor Furnace/Boilers.

Any outdoor furnaces/boilers in existence on July 10, 2007, shall be permitted to remain. Existing or in existence means that the outdoor furnace/boiler is in place on the site.

D. Specific Requirements for Outdoor Furnaces/Boilers.

1. **Permitted Fuel.** Only fuel products recommended by the manufacturer of the unit are permitted to be burned in any outdoor furnace/boiler. Burning of all other materials in an outdoor furnace/boiler is prohibited.
2. Outdoor Furnaces/Boilers are permitted except on waterfront property.
3. **Setbacks.** Outdoor Furnaces/Boilers shall be set back not less than two-hundred (200') feet from any existing lot lines and not less than three-hundred (300') feet from any existing residence not served by the furnace/boiler.
4. **Chimney Height.** Outdoor furnaces/boilers shall have a chimney height of not less than sixteen (16') feet from the ground. When located within three-hundred (300') feet to any residence not served by the furnace/boiler, the stack shall be at least two (2') feet higher than

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the peak of that residence not served by the furnace/boiler. All outdoor furnace/boiler shall be equipped with a properly functioning spark arrestor.

5. **Period of Use.** Use of Outdoor Furnaces/Boilers shall be permitted during the period from September 1 through May 31.
6. An Outdoor Furnace/Boiler installed in a structure or building must meet the same specific requirements as those stated in this Ordinance.

E. Effect of Other Regulations.

Nothing contained herein shall authorize or allow burning which is prohibited by codes, laws, rules, or regulations promulgated by the United States Environmental Protections Agency, State of Michigan, or any other Federal, State, regional, or local agency. Outdoor Furnace/Boilers and any electrical, plumbing, or other apparatus or device used in connection with an Outdoor Furnace/Boiler shall be installed operated and maintained in conformity with the manufacturer’s specifications and recommendations and all local, State, and Federal codes, laws, rules, and regulations.

Section 3.22 Yard, Garage & Rummage Sales

Notwithstanding any other provisions of this Ordinance, yard, garage, and rummage sales shall be permitted. A permit shall not be required, however they shall be limited to two (2) three-day duration sales per year. Any signs shall be removed immediately upon the end of the sale.

Section 3.23 Common Water Access Lots

The following restrictions are intended to limit the number of dwelling units having access to Lake Frontage in order to preserve the quality of water, avoid congestion, promote safety, and preserve the quality of recreational use for all users.

- A. The restrictions of this Section shall apply to all lots and parcels on or abutting any lake in all Districts, regardless of whether access to the lake waters shall be by easement, common-fee ownership, single fee ownership, condominium arrangement, license, or lease. This limitation, however, shall not apply to a public access site or waterfront lot under the possession and control of a governmental agency including, but not limited to, Krakow Township, Presque Isle County, Presque Isle County Road Commission, or the State of Michigan that is intended to provide the general public with access to the water.
- B. In all Districts there shall be a minimum of fifty (50’) feet of frontage and a minimum lot area of five-thousand (5,000 ft²) square feet, as measured along the mean high water mark of the lake, for each dwelling unit utilizing or accessing the lake frontage.
- C. The lot shall not contain any other principal building, dwelling unit, or structure.

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Section 3.24 Vacant Waterfront Lots

For waterfront lots on which no dwelling has been constructed, the following regulations apply:

- A. One (1) dock shall be allowed.
- B. The dock and boat hoists may be stored on site during off-season.
- C. A picnic table shall be allowed.
- D. A fire pit shall be allowed.
- E. Sanitary needs shall be met.
- F. Porta-Jon shall be allowed.
- G. One (1) storage building not to exceed one hundred and fifty (150 ft²) square feet in area and fifteen (15') feet in height may be erected on vacant waterfront lot provided the requirements for the district are met and the plot plan is approved. It must be set back seventy-five (75') feet from the mean high water mark. The storage building shall have no footings.

Section 3.25 Lakefront Greenbelts

To preserve natural resources, water quality and community scenic and recreational values, a forty (40') foot greenbelt shall be established and maintained on all property located within forty (40') feet of the ordinary high water mark of a lake. Within the greenbelt area, the following development or use restrictions shall apply:

- A. No structures are allowed except for boat launching and docking facilities.
- B. No dredging or filling is allowed except for reasonable sanding of beaches where permitted by State or Federal law.
- C. The use of asphalt, concrete, and other impervious surfaces shall be limited to walkways necessary for water access or boat launch ramps.
- D. The use of pesticides, herbicides, and fertilizers is strongly discouraged.
- E. Leaves, grass clippings, and similar yard and garden wastes may not be burned or stored.
- F. Neither septic tanks nor septic filtration fields may be located within the greenbelt.
- G. Beach sand, gravel, cobblestone, or rock may be substituted for vegetated areas.
- H. The greenbelt shall be shown on all plot plans or site plans submitted for approval during the process of developing a lake frontage parcel.

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- I. When encroaching the water, before proceeding, applicants should check with appropriate local, State and Federal agencies.

Section 3.26 Floodplains

Floodplains are regulated by the [Michigan Department of Environment, Great Lakes and Energy](#) pursuant to [Part 31, Water Resources Protection, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended](#). Applicants in or near floodplains should contact EGLE for the necessary permit information.

Section 3.27 Fences & Walls

A. Height and Setback.

1. **Fences and Walls.** Notwithstanding other provisions of this Ordinance, fences and walls are permitted on any property provided that no fence or wall exceeds a height of six (6') feet and shall be no closer than five (5') feet from the road right-of-way. Fences and walls not located along a right-of-way may be erected on the property line.
2. **Hedges.** Hedges may be located on the property line but shall not impede onto the adjacent property. Hedges along a right-of-way shall be at least five (5') feet from the right-of-way.
3. Fences for agricultural, commercial, and industrial establishments may exceed six (6') feet in height.
4. Where a lot borders a lake or stream, fences, walls, and hedges shall be set back from the ordinary water mark by forty (40') feet at a minimum.

B. General Fence and Wall Regulation.

1. Barbed wire or electrical fences shall be permitted only for agricultural purposes. Razor wire fences are prohibited.
2. Fences and walls shall require a Zoning Permit issued by the Zoning Administrator.
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 or wall.
4. Fence and wall materials may include materials commercially designed for fence and wall construction. Scrap lumber, plywood, woven wire, sheet metal, plastic or fiberglass sheets, old signage, old doors, or other materials not designed for fence construction are specifically prohibited.

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5. 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.
6. Fences, walls, or hedges installed, constructed, or planted in accordance with the provisions of this Ordinance shall not obstruct corner clearance areas as regulated in [Section 3.14](#).

Section 3.28 Required Screening

A. Fences & Walls Required for Screening Purposes.

Where a nonresidential structure or use is located next to a residential structure or use, screening shall be required as indicated below. Screening may consist of fences, walls, berms, greenbelts, or a combination thereof and shall be reviewed by the Planning Commission at the time of site plan review. The plans for required protective screenings shall be submitted to the Zoning Administrator for recommendations as to suitability and arrangement of planting material. In instances where the Zoning Administrator gives final approval to a site plan according to [Section 5.1](#), the Zoning Administrator shall also give final approval to the required screening.

B. Screening Materials.

1. **Wall or Fence.** A solid wall or fence, chain link, or other wire fence utilizing metal, plastic, or wood slats shall be considered an obscuring wall for the purpose of this Ordinance. Where a fence or wall is used, the following heights shall apply:

Side & Rear Yard Screening Requirements	
All off street parking areas	4' high fence or wall
Commercial District or Commercial Use	6' high fence or wall
Industrial District or Industrial Use	8' high wall or fence (Height shall provide open storage areas, loading/unloading areas, or service areas the most complete obscuring possible.)
Outdoor storage areas (commercial or industrial)	6' high fence or wall; 8' high fence or wall if in an industrial zone or if use is industrial
Utility buildings, stations, and substations	6' high fence or wall

2. **Greenbelt.**

- a. The Planning Commission may, in its review of site plans for specific uses, allow or require the provision of a greenbelt planting 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

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or where conditions are such that a more effective and harmonious development with abutting or neighboring land uses would result.

- b. Such greenbelt shall consist of plants, shrubbery, or trees of which height shall be determined by the Planning Commission, but in no instance shall the height of such natural plantings be less than five (5') feet in the case of trees or four (4') feet in the case of plants or shrubs. In addition, all plantings within this area shall be maintained in an orderly and healthy condition neat in appearance.
 - c. Any limbs, shrubs, or bushes which extend into the property of the adjoining residential property owner may be trimmed back by the residential owner, except in greenbelts on lake lots.
3. **Berm.** The construction of a fence, wall, or greenbelt 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 or wall atop of the berm shall not exceed the total allowable fence height as permitted by district.

Section 3.29 Public For-Profit Gatherings on other than Commercial Property

It shall be unlawful to hold public gatherings, such as a Rock Festival, or other such public gathering, of more than fifty (50) persons, without first obtaining the necessary permit from the Planning Commission, and providing proof of liability insurance, and **Health Department** approval of sanitary facilities. A permit fee will be required upon issuance of permit to ensure proper policing and clean-up of site. Ninety (90%) percent of this permit fee to be returned to applicants, upon inspection to make certain the above conditions and requirements have been adhered to. All permits must be obtained at least ten (10) days prior to event. These conditions shall not be required of family gatherings, family reunions, weddings, anniversaries, etc.

Section 3.30 Grades, Drainage & Stormwater

- A. No premises shall be filled or graded so as to discharge surface runoff on abutting premises in such a manner that will cause inconvenience or damage to adjacent properties. When property is developed adjacent to existing properties previously developed, existing grades shall have priority.
- B. For non-residential uses, the property owner or developer 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 storm with the projected frequency of once every ten (10) years (ten-year design storm).

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Section 3.31 Single-Family Dwelling Standards incl. Manufactured Homes

A. Square Feet and Width.

Single-Family Dwellings shall comply with the minimum square footage and minimum width requirements of this Ordinance for the district in which it is located in accordance with [Article 4](#).

A dwelling shall have a minimum square footage of floor space as measured on the outside walls and comply in all respects with the County building code and this Ordinance. The above square footage shall not include such appurtenances as porches, breezeways, carports, or garages.

B. Code Compliance.

The dwelling shall comply with all pertinent building and fire codes. In the case of a manufactured home, all construction and all plumbing, electrical apparatus, and insulation within and connected to said manufactured home shall be of a type and quality conforming to the "[Manufactured Home Construction and Safety Standards](#)" as promulgated by the [United States Department of Housing and Urban Development, being 24 CFR 3280](#), and as from time to time such standards may be amended.

C. Portable Structures not to be considered a Dwelling Unit.

In no case shall a travel trailer, truck, bus, motor home, tent, or other such portable structures be considered a permanent dwelling unit.

D. Manufactured Home Installation and Use.

1. Any manufactured home meeting the definition of Dwelling, Single Family shall be allowed in any district where single-family dwellings are permitted and shall meet all standards for the district in which it is located.
2. The manufactured home shall be installed according to the construction code adopted by Presque Isle County and the construction of the unit shall comply with the [National Manufactured Home Construction and Safety Standards Act of 1974](#), as amended.
3. Manufactured homes shall be attached to an approved permanent foundation or basement and shall be anchored using a system that meets the [Michigan Manufactured Housing Commission](#) requirements.
4. 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.
5. Single-wide manufactured homes shall not be attached to each other. Additions, new roofs and accessory buildings may be attached to a manufactured home. Any additions to a

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manufactured home shall be constructed to the standards of the current building code in Presque Isle County.

6. A manufactured home shall not be used as an accessory building.
7. No manufactured home shall be stored on any lot or parcel in Krakow Township.
8. Where three (3) or more manufactured homes are sited on the same parcel, the development shall be considered a manufactured housing community, and shall be licensed by the State of Michigan and shall be subject to the applicable State regulations for such developments.

Section 3.32 Lighting

A. Intent and Purpose.

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

B. General Standards.

1. **Exempted Areas and Types.** The following types of outdoor lighting shall not be covered by this Ordinance:
 - a. Residential decorative lighting such as porch or entry lights, ground level lawn and driveway lights, and special seasonal lights such as Christmas decorations.
 - b. Lights located within the public right-of-way or easement.
 - c. Temporary lighting needed for emergency services or to perform nighttime road construction on major thoroughfares.
 - d. Temporary lighting for civic activities, fairs, or carnivals provided the lighting is temporary.
 - e. Lighting required by the [Federal Communications Commission](#), [Federal Aviation Administration](#), [Federal Occupational Safety and Health Administrations](#), or other applicable Federal or State agencies.
 - f. Lighting for school recreational facilities.
2. **Regulated Lighting.** The following types of lighting shall be regulated by this Ordinance:

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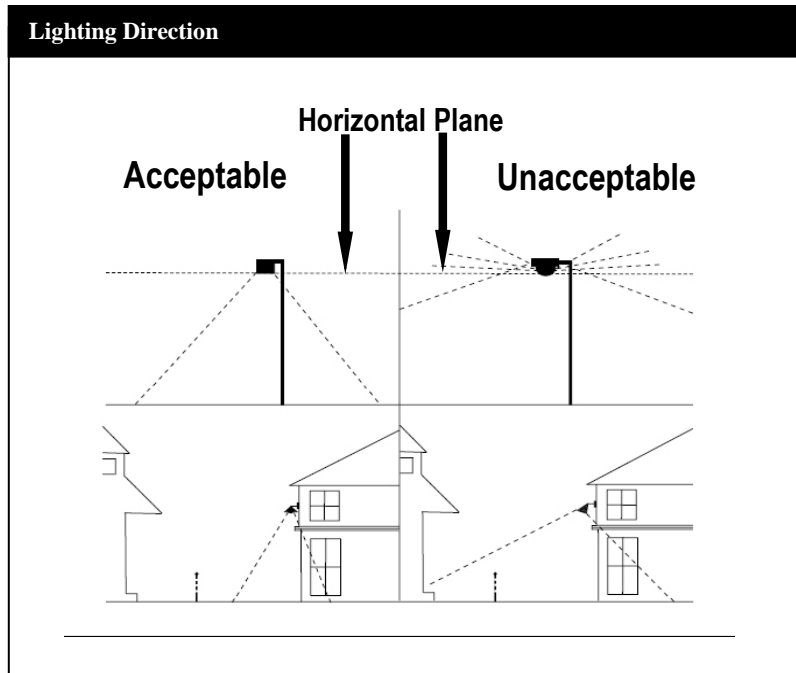
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- a. Private parking lot lighting and site lighting for commercial, industrial, and institutional developments when parking spaces total more than five (5).
 - b. Multiple-family development parking lot lighting and site lighting.
 - c. Privately-owned street lighting.
 - d. Building facade lighting.
 - e. Security lighting, spotlights, and floodlights.
 - f. Other forms of outdoor lighting which, in the judgment of the Zoning Administrator, are similar in character, luminosity, and/or glare to the foregoing.
 - g. Standards related to the lighting of signs are contained in [Section 3.35](#).
3. **Standards.** Lighting shall be designed and constructed as per the following requirements:
- a. **Design.** All exterior lighting shall be designed in a consistent and coordinated manner for the entire site. All lighting structures within a property or planned development shall be of uniform design and materials and shall be harmonious to the scale of the property and its surroundings. Parking lot and street lights shall also be of uniform height.
 - b. **Lighting Confined To Site.** Direct or directly reflected light shall be confined to the development site and pedestrian pathways and shall not negatively affect adjoining property. All lighting shall be oriented not to direct glare or excessive illumination in a manner which may interfere with the vision of drivers or pedestrians.
 - c. **Lighting Directed Downward/Shielded.** Except for diffused globe-style walkway lights and the lighting addressed in [subsection d](#) below, all outdoor lighting in all districts shall be directed toward and confined to the ground areas of lawns or parking lots. Exterior lighting shall be shielded, hooded and/or louvered to provide a glare-free area beyond the 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.
 - d. **Upward Directional Lighting.** All lighting used for the external illumination of buildings and flags with lights directed in an upward direction so as to feature said buildings and flags, shall be placed and shielded so as not to interfere with the vision of persons on adjacent streets or adjacent property.
 - e. **Moving Lights.** All illumination of any outdoor feature shall not be of a flashing, moving, or intermittent type. Artificial light shall be maintained stationary and constant in intensity and color at all times when in use. Beacon, strobe, and search lights are not permitted.

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- f. **Interference with Traffic Control Devices.** No colored lights shall be used at any location where it may be confused with or construed as traffic control devices.
- g. **Gas Stations.** Ceiling lights in gas pump island canopies shall be recessed.



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Section 3.33 Nonconformities

A. General.

It is recognized that there exists within the districts established by this Ordinance and subsequent amendments, lots, structures, and uses of land and structures 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 uses to continue until they are removed.

1. **District Boundary Changes.** When district boundaries shall hereinafter be changed by amendment, any existing nonconforming use of a structure or building may continue, but shall be subject to all other provisions of this Ordinance.
2. **Buildings Under Construction.** Nothing in this Ordinance shall require any change in the erection or an intended use of a building or structure, which is nonconforming under this Ordinance, for which zoning permit and/or Special Land Use permit has been issued prior to the adoption of this Ordinance.
3. **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, Krakow Township, pursuant to Section 208 (3) and (4) of [2006 PA 110, as amended \(Michigan Zoning Enabling Act, being MCL 125.3208\)](#) may acquire, by purchase, condemnation, or otherwise, private property for the removal of nonconforming uses and structures provided, however, that such property shall not be used for public housing. The Township Board may, in its discretion, provide that the cost and expense of acquiring such private property be paid from general funds or the cost and expense or any portion thereof be assessed to a special district.
4. **Change in Tenancy or Ownership.** There may be a change of tenancy, ownership, or management of any existing nonconforming uses of land or of structures which does not alter the nonconforming status.

B. Nonconforming Structures.

Where a lawful structure exists at the time of adoption of this Ordinance and does not conform to the minimum requirements of area, lot coverage, height, yards, location on the lot, or other requirements, such structure shall be allowed to exist, provided it is otherwise lawful, and shall be subject to the following provisions:

1. **Maintenance of Nonconforming Structures.** Nothing in this Ordinance shall prevent such necessary repairs and incidental alterations of a nonconforming structure existing on the

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effective date of this Ordinance as may be necessary to secure reasonable advantageous use thereof during its natural life nor shall any provision of this Ordinance prevent compliance with the provisions of any Building Code in effect in Presque Isle County relative to the maintenance of structures.

2. **Alteration of a Nonconforming Structure.** Alterations to a nonconforming structure are permitted, however no nonconforming structure may be enlarged or altered in a way which increases its nonconformity. Such nonconforming structure shall not be enlarged or expanded in a way which increases its nonconformity without prior approval from the Zoning Board of Appeals; its size, however may be increased or decreased in a manner which brings it into greater conformance with this Ordinance.
3. **Moving of Nonconforming Structure.** Should a structure which is nonconforming due to setbacks be moved for any reason and for any distance, it shall therefore conform to the regulations for the district in which it is located after it is moved; a zoning permit must first be obtained from the Zoning Administrator as required by [Section 9.2](#) of this Ordinance; and the applicant shall comply with all deadlines set forth in the zoning permit by the Zoning Administrator.
4. **Damage or Destruction of Nonconforming Structure.** Nothing in this Ordinance shall prohibit the reconstruction, repair, or restoration of a nonconforming structure damaged by fire, explosion, collapse, or acts of the public enemy, subsequent to the effective date of this Ordinance, provided that if destruction is complete (totals one hundred (100%) percent), it shall only be rebuilt in conformance with this Ordinance.

C. Nonconforming Uses.

1. **Continuance of Nonconforming Use.** Any lawful nonconforming use existing at the time of enactment of this Ordinance may be continued pursuant to the regulations herein.
2. **Enlargement or Expansion of Nonconforming Use.**
 - a. **Expansion throughout the Lot.** A nonconforming use may be enlarged or expanded to occupy a greater proportion of the lot area than that which was occupied at the effective date of this Ordinance only by Special Use permit.
 - b. **Expansion throughout the Structure.** Any nonconforming use may be extended throughout any portion of the structure or building where such use was planned or provided for at the time of adoption of this Ordinance, but in no case shall the use be extended to occupy land outside such building or structure unless a Special Use permit is issued.
3. **Change of Nonconforming Use.** No nonconforming use may be changed to another nonconforming use. If a nonconforming use is changed to a conforming use, then the nonconforming use shall not hereafter be reestablished.

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4. **Abandonment of Nonconforming Use.** Whenever a nonconforming use has been discontinued for one (1) year, such discontinuance shall be considered conclusive evidence of an intention to legally abandon the nonconforming use. At the end of this period of abandonment, the nonconforming use shall not be reestablished, and any future use shall be in conformity with the provisions of this Ordinance. When determining the intent of the property owner to abandon a nonconforming use by the discontinuance of the use for one (1) year, the Zoning Administrator shall consider the following factors:
 - a. Whether the structure used in connection with the nonconforming use has been removed.
 - b. Whether utilities such as water, gas, and electricity to the property have been disconnected.
 - c. Whether the property, buildings, and grounds have fallen into disrepair.
 - d. Whether signs or other indications of the existence of the nonconforming use have been removed.
 - e. Whether equipment or fixtures necessary for the operation of the nonconforming use have been removed.
 - f. Other information or actions that evidence an intention on the part of the property owner to abandon the nonconforming use or structure.

5. **Damage or Destruction of Nonconforming Use.** If a nonconforming use is completely (100%) destroyed by fire, explosion, collapse, or acts of the public enemy, the use may only be reestablished by a Special Use permit. Nothing in this Ordinance shall prevent the repair of a nonconforming use that has been partially damaged by fire, explosion, collapse, or acts of public enemy.

D. Nonconforming Lots of Record.

A nonconforming lot is a lot of record that legally existed on or before the effective date of this Ordinance or any amendment to this Ordinance which does not meet dimensional requirements of this Ordinance or subsequent amendments thereto.

1. If all other zoning requirements are met, the Zoning Administrator has the authority to issue zoning permits for nonconforming lots of record.
2. Required minimum yard setbacks may be varied at the discretion of the Zoning Board of Appeals. Any required variances may be requested pursuant to the procedures and standards of this Ordinance.

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3. Where two (2) or more adjacent nonconforming lots of record are under single ownership, such lots shall be combined to create lots that conform with the required minimum land area within its zoning district.

Section 3.34 Off-Street Parking & Loading

In all zoning districts, off-street parking facilities for the storage and parking of motorized vehicles for the use of employees or patrons of the buildings hereafter erected, moved to, or set on a site shall be provided in accordance with the provisions herein prescribed. Such space shall be maintained and not be encroached upon by a new or existing building unless an equivalent number of appropriate parking spaces are provided elsewhere in conformance with this Ordinance.

A. Motor Vehicle Parking: Single-Family, Detached and Two-Family Residential Uses.

The off-street parking facilities required for single-family detached and two-family residential dwellings shall be located on the premises they are intended to serve and shall consist of a parking strip, parking apron, driveway, carport, and/or garage or some combination thereof.

B. Motor Vehicle Parking: Single-Family Attached, Multi-Family, and Non-Residential 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 chapter.
 - b. **Enlargement.** Whenever a building is expanded to increase its usable floor area.
 - 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. Regulations pertaining to off-street parking shall not apply to non-residential buildings in existence at the time of adoption of this Ordinance unless **subsections a through c** (above) occur.
2. **Parking Lot Plans.** The construction of any parking lot shall be in accordance with the requirements of the provisions of this Ordinance. Such construction shall be approved by the Zoning Administrator (for parking lots that are not part of a site plan for a new commercial, industrial, or institutional use) and the Planning Commission (for parking lots that are part of a site plan for a new commercial, industrial, or institutional use) before actual use of the site as a parking lot. Plans for parking lots shall be drawn on a scale of not less than one (1") inch equals fifty feet (50'). Such plans shall contain the overall dimensions of the proposed parking lot, the number of parking spaces, the size of each space (a typical dimension is sufficient), the angle of each parking space, the size of turnaround areas and aisles, points of ingress and egress, landscaping (if any), location of adjacent main building, type of surface covering,

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direction and slope of drainage, and critical surrounding natural areas, such as lakes or streams.

- a. All illumination (lighting) for off-street parking areas shall be installed in such a manner as not to concentrate light in a disturbing way upon adjacent structures.
 - b. The depth of the front yard setback applicable to the district in which the parking facility is located shall apply to the parking facility.
 - c. Plans for the layout of off-street parking facilities shall be in accordance with the regulations contained within this Section.
3. **Parking Lot Location.** The off-street parking facilities required for commercial, industrial, or recreational uses may be located on the same lot or in parking lots conveniently situated or in close proximity to such activities.
 4. **Materials.** Such parking facilities shall be paved with concrete, asphalt, or crushed rock materials and be furnished with adequate drainage.
 5. **Excessive Parking Space.** A maximum of one hundred twenty (120%) percent of the required number of parking spaces may be provided (rounded down to the nearest whole number). Provision of more than one hundred twenty (120%) percent of the requirement will require a variance from the Zoning Board of Appeals.
 6. **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.
 7. **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(ies) 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.
 8. **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.

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9. **Parking Restrictions.** Off-street and on-street parking of vehicles shall be further restricted by the following requirements:
- a. **Parking Duration.** Except when land is used as storage space in connection with the business of a repair or service garage, a twenty-four (24) hour time limit for parking in nonresidential off-street parking areas shall prevail.
 - b. **Restrictions on Parking on Private Property.** It shall be unlawful for any person, firm, or corporation to park any motor vehicle on any private property, or use said private property for vehicle storage, or use any portion of any private property as parking space, without the express or implied consent, authorization, or ratification of the owner, holder, occupant, lessee, agent, or trustee of such property. Complaints pertaining to violations of this Section shall be made by the owner or trustee of such property.
 - c. **Overnight Parking.** After the effective date of this Ordinance, it shall be unlawful for any person to park any motor vehicle or trailer overnight on any public street or highway or any private road used by two (2) or more property owners, except in emergency situations.

10. Design Standards.

a. Parking Space Design.

Table 3.34A Parking Space Design

Parking Patterns	Maneuvering Lane Width		Parking Space Width	Parking Space Length
	One-Way	Two-Way		
0° Parallel Parking	11 ft.	18 ft.	8 ft. 6 inches	24 ft.
30° to 53°	12 ft.	20 ft.	9 ft.	20 ft.
54° to 74°	13 ft.	24 ft.	9 ft.	20 ft.
75° to 90°	20 ft.	24 ft.	9 ft.	20 ft.

b. Parking Lot Design.

- (1) All parking areas shall be provided with circulation aisles of adequate dimension to assure efficient internal circulation.
 - (2) Parking lots with three hundred (300) or more spaces shall include perimeter drives and a central access drive leading to the main building.
- c. **Drainage.** Except for single-family and two-family dwellings, off-street parking areas shall be drained with internal site drainage so as to dispose of all surface water accumulated in the parking area in such a way as to preclude drainage of water onto adjacent property or toward buildings. Storm water retention or detention facilities on site shall be provided to

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assure storm water runoff at a rate of flow in keeping with standards and with capacity of existing public storm water drainageways.

- d. All spaces shall be provided adequate access by means of maneuvering lanes to facilitate turning around of vehicles. All maneuvering lane widths shall ensure vehicular and pedestrian safety and shall permit one-way traffic movement, except that the 90° pattern may permit two-way movement.
- e. Adequate ingress and egress to the parking lot by means of clearly limited and defined drives shall be provided for all vehicles.
- f. Adequate area must be provided for snow piling.

11. Number of Parking Spaces.

- a. **Table of Parking Spaces.** The amount of required off-street parking space for new uses or buildings, additions thereto, and additions to existing buildings as specified above, shall be determined in accordance with [Table 3.34B](#).
- b. **Fractions in Units of Measure.** When units or measurements (floor area) determining the number of required parking spaces result in a fractional space measurement, any fraction one-half (½) or more shall rounded up to the next whole.
- c. **Double Count.** Loading spaces as required in this Ordinance shall not be construed as part of the minimum required parking spaces for any facility.
- d. **Uses not Listed in Parking Requirements Table.** If a use is not specifically listed in [Table 3.34B](#), the Zoning Administrator shall determine the required number of parking spaces based on what he/she determines is the most similar use. If, in the opinion of the Zoning Administrator, there is no similar use listed, then the appropriate number of parking spaces shall be determined by the Planning Commission after consultation with the applicant and shall be finalized during site plan review.

Table 3.34B Parking Requirements

Use	Parking Spaces Required (GFA = Gross Floor Area UFA = Usable Floor Area)
Animal Hospitals and Kennels	1 per each 400 ft ² of Usable Floor Area (UFA), plus 1 per every 2 employees
Athletic clubs; Tennis/Racquetball Facility	1 per each 3 persons allowed within the maximum occupancy load plus 1 per each employee
Auditoriums, theaters, assembly halls, and other event venues	1 per 3 seats based on maximum seating capacity in main place of assembly, plus 1 for every 2 employees
Auto repair garages and service garages	2 per service stall, plus 1 per 800 ft ² UFA, plus 1 for every 2 employees
Auto salesrooms, wholesale stores, machinery sales, showrooms of a plumber, electrician, or other	1 per 1,000 ft ² of UFA, plus 1 per each employee

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similar trade.	
Banks and Post Offices	1 per 200 ft ² of UFA plus 1 per each employee
Barber Shops	2 per each barber
Beauty Shops	2 per each beauty operator
Bed and Breakfasts/Rooming houses/Tourist Home/Boarding House	1 for each sleeping room plus 2 for the owner/resident manager plus 1 for each employee.
Bowling Alleys	6 per bowling lane
Business and Professional Offices	1 per each 200 ft ² of Gross Floor Area (GFA)
Carry out, Drive-in Restaurants	1 per 125 ft ² of GFA with minimum total of eight 8' parking spaces
Child care centers, day care centers, nursery schools	1 per 400 ft ² of UFA, plus 1 per each employee
Churches	1 per 3 seats or 6 feet of pew, based on maximum seating capacity in main place of assembly
Dance halls, exhibition halls, pool halls, billiard parlors, and assembly halls without fixed seats	1 per each 2 persons allowed within maximum occupancy load established by local, County or State fire, health or building codes, or 1 per 100 ft ² of UFA, whichever is greater.
Drive-in banks	4 per each teller window
Drive-in establishments	1 per each 2 employees
Drive-in theaters	1 per each outdoor speaker facility, plus 1 per each two employees
Elementary schools, junior high schools	1 per teacher, employee, and administrator, plus requirements for auditoriums or assembly halls, if any. If no auditorium or assembly hall exists, then 1 per classroom
Establishments (other than drive-in restaurants) on which premises the sale and consumption of food and beverages is conducted	1 per 75 ft ² of GFA
Filling stations, automobile service stations	2 per service stall, plus 1 per employee
Furniture and appliance stores, hardware stores, household equipment repair shops, and similar uses	1 per 800 ft ² of UFA, plus 1 per each 2 employees
Golf courses open to the public	5 per each hole, plus 1 per employee. Plus amount required for accessory uses.
High Schools, trade schools	1 per teacher, plus 1 per each ten students, plus 1 per each employee, administrator, plus requirements of auditoriums, assembly halls
Hospitals	1 per each 2 beds, plus 1 per staff doctor, plus 1 per 1,000 ft ² of patient surgery or treatment area, plus 1 per 2 employees
Industrial establishments, including manufacturing and fabricating, research and testing laboratories, and printing, plumbing, and electrical shops	1 per 1½ employees computed on the basis of the greatest number of persons working at any one time, or 1 per 500 ft ² of GFA
Libraries and Museums	1 per 500 ft ² of GFA
Laundromats, coin operated dry-cleaning establishments	1 per washing and/or dry-cleaning machine
Medical clinics, dental clinics	1 per 200 ft ² of GFA
Miniature golf courses or par 3 golf courses	2 per hole, plus 1 per employee

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Manufactured home sites	2 per manufactured home site
Mortuary establishments, funeral homes, undertaking parlors	1 per 50 ft ² of floor area in the parlor
Motels, hotels, tourist homes	1 per guest room, plus 1 per employee
Motor vehicle wash establishments	4 per wash stall
Multiple-family dwellings	2 per dwelling unit
Nursing Homes, Convalescent Homes, Assisted Living Facilities	1 for every 2 dwellings plus 1 for each employee on the largest shift
Person service establishments (not otherwise provided for herein)	1 per each 300 ft ² of GFA plus 1 per each 2 employees
Private clubs, lodges, fraternities, sororities, dormitories.	1 per each 3 members or lodgers allowed within the maximum occupancy load as established by local, County, State fire, health, or building codes.
Private tennis clubs, swimming clubs, golf clubs, or similar use	1 per 2 member families or individuals, plus the amount required for accessory use.
Retail stores, except as otherwise specified herein	1 per 150 ft ² of GFA plus 1 per 2 employees
Roadside stands	5 per each establishment

C. Off-Street Loading and Unloading Requirements.

On every premise that is engaged with the loading and unloading of goods, there shall be provided and maintained, on the lot, adequate space for standing, loading, and unloading services in order to avoid undue interference with public use of the streets, alleys, or any required access aisles for off-street parking areas.

- Dimensions.** Such loading and unloading space, unless adequately provided for within a building, shall be an area ten (10') feet by fifty (50') feet, with a minimum fourteen (14') feet vertical clearance and shall be provided according to the following schedule:

Table 3.34C - Loading Space Requirements

Gross Floor Area In Square Feet	Spaces Required	In Terms of Gross Floor Area
0 - 1,999 ft ²	0	
2,000 - 19,000 ft ²	1	
20,000 - 99,999 ft ²	1	Plus 1 for each 20,000 ft ²
100,000 - 500,000 ft ²	5	for the first 100,000 ft ² plus 1 for each 40,000 ft ² in excess of 100,000 ft ²
Over 500,000 ft ²	15	for each 80,000 ft ² in excess of 500,000 ft ²

- Double Count.** Off-street loading spaces shall not be construed as or counted towards the area required as off-street parking space area.

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Section 3.35 Signs

A. Intent.

This Section is intended to regulate and limit the construction or reconstruction of signs and billboards. Such signs that will not, by reason of their size, location, construction, or manner of display, endanger life and limb, confuse or mislead traffic, obstruct vision necessary for vehicular and pedestrian traffic safety, or otherwise endanger public welfare, shall be permitted except as may be otherwise provided for herein.

B. Measurement of the Area of a Sign.

The entire area within the sign perimeter enclosing its extreme limits, together with any frame or other material or color forming an integral part of the display or used to differentiate such sign from the background against which it is placed, excluding the necessary supports or uprights on which such sign is placed, but including any sign tower. Where a sign has two (2) or more faces, the area of all faces shall be included in determining the area of the sign, except that where two (2) such faces are placed back to back and are at no point more than two (2') feet from one another, the area of the sign shall be taken as the area of one (1) face if the two (2) faces are of equal area, as the area of the larger face if the two (2) faces are of unequal area. In the case of a sphere, the total area of the sphere is divided by two (2) for the purpose of determining the maximum permitted sign area.

C. General Regulations.

1. **Illumination.** There shall be no flashing, oscillating or intermittent, red, yellow, blue, or green illumination of any sign located in the line of vision of a traffic control device or interfering with safe vision along any roadway, especially at intersections. All illuminated signs shall be designed and located to prevent the light there from being cast upon adjoining residences and shall be located at least one hundred (100') feet from any residential use. The illumination of any sign shall not be detrimental or annoying to surrounding property nor constitute a safety hazard, as determined by the Zoning Administrator.
2. **Construction and Maintenance.** The construction of any sign shall be such that it will withstand all wind and vibration forces which can be normally expected to occur in the vicinity. All signs shall be properly maintained and shall not be allowed to become unsightly through disrepair or action of the elements.
3. **Zoning Permit.** A zoning permit shall be required for the erection, construction, or alteration of any sign except those listed in [subsection 12](#) and all such signs shall be approved by the Zoning Administrator as to their conformance with the requirements of the zoning district in which they are located and the requirements of this Section. The Zoning Administrator shall have the authority to approve or disapprove, with cause, any applications for the renewal of a permit.

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4. **Height and Overhang.** No sign otherwise permitted shall exceed the maximum height limitations of the zoning district in which it is located. This provision may be waived by the Planning Commission for pole signs located in Commercial and Industrial Districts.
5. **Signs in Right-Of-Way.** No sign, except those established and maintained by Township, County, State, or Federal governments, shall be erected in, project into, or overhang a right-of-way except as otherwise allowed in this Ordinance
6. **Signs Not to Constitute a Traffic Hazard.** No sign shall be erected at the intersection of any streets in such a manner as to obstruct free and clear vision or at any location where, by reason of the position, shape, or color, it may interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal, or device, or which makes use of any word, phrase, symbol, or character in such manner as to interfere with, mislead, or confuse traffic.
7. **Flashing/Moving Signs.** Illuminated signs shall not be of the flashing, moving, or intermittent type unless elsewhere allowed in this Ordinance or approved by the Zoning Administrator, who shall find that the lighting is non-glaring and does not interfere with traffic control devices. An exception to this subsection shall be barber shop poles.
8. **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. No sign of any kind shall be attached to a stand pipe or fire escape.
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. **Signs Erected by Governmental Unit.** All signs erected by the Township, County, or State shall be permitted in all districts.
11. **Substitution Clause.** Any sign that can be displayed under the provisions of this Ordinance may contain a non-commercial message.
12. **Signs Excluded from Permits.** The following signs are permitted in all districts except where restrictions are indicated, in accordance with the provisions of this Section and shall not require permits for erection:
 - a. Accessory signs (on walls or freestanding) not exceeding four (4 ft²) square feet in area.
 - b. Permanent accessory signs on accessory structures such as gas pumps or storage sheds.
 - c. Information when cut into any masonry surface or plaques when constructed of non-ferrous metal and attached to a building.
 - d. Signs erected by an official governmental body, public utility, or historic agency.
 - e. Flags.

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- f. Signs less than two (2 ft²) square feet in size and located on the perimeter (along a parcel boundary).
- g. Temporary signs.
- h. Banners across public rights-of-way subject to approval by appropriate governmental body.
- i. Signs not readable by motorists or pedestrians on any road, alley, water body, public lands, or adjacent parcels.
- j. Legal postings.

13. **Unsafe, Damaged, and Illegal Signs.** 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 shall 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.

D. Permitted Signs.

Signs are permitted according to the district in which they are located or intended to be located. Certain types of signs are permitted in certain districts according to the following provisions:

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Signs Permitted

	A and F-R District	R-1 and R-2 District	C and I District
Freestanding Signs	<i>Principal Uses other than Dwellings:</i> Number Allowed: 2 Size: 32 sq ft Height: see C.4 above Setback from front lot line: 10 ft	<i>Principal Uses other than Dwellings:</i> Number Allowed: 2 Size: 24 sq ft Height: see C.4 above Setback from front lot line: 5 ft (setback 5' from lake on lake lots) Shall not be located in side yard setback.	Number Allowed: 2 Size: 32 sq ft Height: see C.4 above Setback from front: 5 ft (setback 5' from lake on lake lots) Shall not be located in side yard setback.
	<i>Dwellings:</i> Number Allowed: 1 Size: 2 sq ft Height: 6 ft Setback: 10 ft	<i>Dwellings:</i> Number Allowed: 1 Size: 2 sq ft Height: 6 ft Setback: 10 ft	
	<i>Residential Development or Mobile Home Park Entrance:</i> Number Allowed: 2 Size: 150 sq ft Height: see C.4 above Setback from all lot lines: 50 ft		
Wall Sign	Wall signs (including wall-mounted message centers) are allowed in all districts with no size or number limits. (48 sq ft for residential developments or manufactured housing communities)		
Temporary Signs	The total square footage of all temporary signs combined shall be no greater than: <ul style="list-style-type: none"> • 16 sq ft for Residential Uses • 32 sq ft for Nonresidential Uses 		
Marquee Sign	One (1) per principal business or commercial use or service; not exceeding one hundred and fifty (150 ft ²) square feet in area and setback from the front lot line at least ten (10') feet		
Message Center	One (1) freestanding Message Center is allowed per freestanding sign for each nonresidential use. The freestanding message board shall no exceed 50% of the size of the primary freestanding sign.		
Off-Premise Signs, Large (Billboards)	Not allowed.		
Off-Premise Signs, Small	See subsection F below.		
Roof Signs	Roof signs are permitted only if they are flush with (flat against) the roof (no size or number limit). Signs which are elevated above the roof line are not permitted.		
Projecting Signs	One projecting sign is allowed to a maximum size of 20 sq ft. The bottom of the projecting signs shall be at least 8 feet above the ground.		

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E. Electronic Message Center.

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 sign in one position 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 and shall be subject to all provisions of this Ordinance.

F. Off-Premise Signs, Small.

Small, private 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 filed with the Township of Krakow.

1. Small off-premise signs shall be no greater than six (6 ft²) square feet.
2. Small off-premise signs must be located on lots located at intersections.
3. One (1) small off-premise sign is permitted per zoning lot.
4. Each small off-premise sign shall count against the allowable signage on the property on which it is located.

G. Nonconforming Signs.

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. Without limiting the generality of the foregoing, no nonconforming sign may be enlarged or altered in such a manner as to aggravate the nonconforming condition. 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

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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 one hundred eighty (180) 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.
6. If a nonconforming off-premise sign remains blank for a continuous period of one hundred eighty (180) days, that off-premise sign shall be deemed abandoned and shall, within thirty (30) days after such abandonment, be altered to comply with this Zoning Ordinance or be removed by the owner of the sign, the owner of the property where the sign is located, or the persons having control over such sign. For purposes of this Section, a sign is "blank" if:
 - a. It advertises a business, service, commodity, accommodation, attraction, or other enterprise or activity that is no longer operating or being offered or conducted;
 - b. The advertising message it displays becomes illegible in whole or substantial part; or
 - c. The advertising copy that either has been paid for by a party other than the sign owner or promotes an interest other than rental of the sign has been removed.
7. **Subsection 6** above shall not apply to signs advertising seasonal businesses.

H. Severance Clause for Signs.

Provisions of [Section 3.35](#) 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.

Section 3.36 General Exceptions

A. Voting Place.

Nothing in this Ordinance shall be so construed as to interfere with the temporary use of any dwelling

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or property as a voting place in an authorized public election.

B. Encroachment into Setbacks.

1. Structures which are level with the surface of the ground (i.e. patio) or are no higher than one (1) step up do not have to conform to setbacks. Decks higher than one (1) step up, open porches, and enclosed porches shall conform to the setbacks of the main building.
2. Raised structures built to access the lake may be erected in the lakefront setback. Structures shall not be attached the principal building and shall be no higher than seven and one-half (7 ½") inches off the ground.

C. Access Through Yards.

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

D. Exemption of Accessory Farm Buildings and Structures.

The provisions of this Ordinance shall not apply to the repair and maintenance of accessory farm buildings and structures when used for customary farming purposes.

Section 3.37 Unlisted Uses

The Township Planning Commission shall have the power, on written request of a property owner in any zoning district, to classify a use not listed with a comparable permitted or Special Land Use in the district, giving due consideration to the purpose of this Ordinance. Petition for such classification and permit shall be made through the office of the Township Zoning Administrator. If no comparable use is able to be determined by the Planning Commission, then the unlisted use shall be added only by the Zoning Amendment procedure as required in [Article 10](#), except as otherwise provided by the Zoning Board of Appeals through its interpretation of this Ordinance and the granting of variances.

Section 3.38 Barrier for Damaged Buildings

Until such time as debris from a damaged building or structure is completely removed or repaired, the owner shall be required to provide a barrier which will adequately prevent access by children attracted to the premises.

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Article 4 District Regulations

Sec	Name	Pg	Sec	Name	Pg
4.1	Establishment of Zoning Districts	4-1	4.7	FR – Forest/Recreational District	4-18
4.2	Zoning Districts	4-1	4.8	C – Commercial District	4-22
4.3	Application of District Regulations	4-2	4.9	I – Industrial District	4-27
4.4	R-1 - Rural Residential District	4-6	4.10	Full Table of Permitted & Special Land Uses	4-30
4.5	R-2 – Mixed Residential District	4-10	4.11	Schedule of Regulations	4-40
4.6	A - Agricultural District	4-14			

Section 4.1 Establishment of Zoning Districts

For the purposes of this Ordinance, the following Zoning Districts shall be established in Krakow Township:

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R-1	Rural Residential District
R-2	Mixed Residential District
A	Agricultural District
FR	Forest/Recreational District
C	Commercial District
I	Industrial District

Section 4.2 Zoning Districts

A. Definition of District Boundaries.

The location and boundaries of these Zoning Districts are established on a map titled the “Krakow Township Zoning Map” which is hereby adopted as a part of this Ordinance. The official map shall be kept up to date. A copy of the official map shall be kept in the township hall, and copies of the map shall be made available, upon reasonable request, for a fee to be determined by the Township Board. The official zoning map, including legally adopted amendments, shall be designated as such by the signature of the Zoning Administrator and attested to by the Township Clerk. Where uncertainly exists as to the exact district boundaries, the following shall prevail:

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1. Where boundary lines are indicated as approximately following streets, alleys, or highways; the center lines 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. In the case of streams, such boundaries shall be considered to follow the center line of the stream. 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 center line of the new course.
4. Where the application of the aforementioned rules leave a reasonable doubt as to the exact location of a district boundary, the provisions of the more restrictive district shall govern the entire parcel until an interpretation is made by the Zoning Board of Appeals.

B. Zoning of Vacated Areas.

Whenever any street, alley, highway, or other 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 center-line shall become the lot line of the 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 build able 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 emanates. No fill material shall be placed in any lake or stream within the Township unless appropriate permits are obtained from the [Michigan Department of Environment, Great Lakes and Energy](#) or any subsequently named department.

D. Zoning District Changes.

When district boundaries change, any nonconforming use may be continued subject to all other applicable provisions of this Ordinance ([Section 3.33 Nonconformities](#)).

Section 4.3 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

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located, except as herein described by this Ordinance. Except as hereinafter provided, district regulations shall be applied in the following manner.

A. Uses in Districts.

1. **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.
2. **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.

B. Application of Area and Width Regulations.

1. The area or width of a lot shall not be reduced below the minimum requirements herein established for the district in which such lot is located.
2. Every parcel of land shall meet the minimum lot width requirements set forth in [Section 4.11: Schedule of Regulations](#).
 - a. **Measuring Lot Width.** The horizontal distance between the side lot lines measured at the front setback line for lots with parallel side lot lines (**Figure 4.3A**). In the case of irregular shaped lots, the width shall be measured on a line drawn perpendicular to a line that bisects the front and rear lot lines at a point midway along the front and rear lot lines (**Figure 4.3B**). 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 4.3C**).

Figure 4.3A

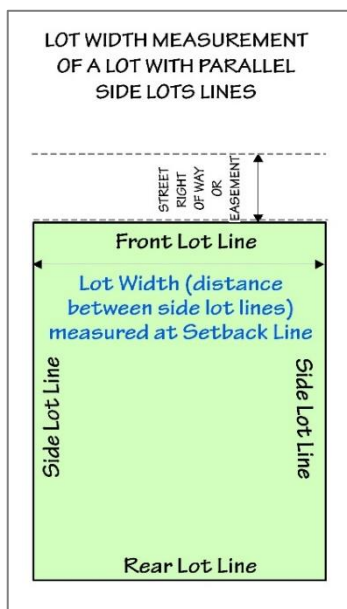


Figure 4.3B

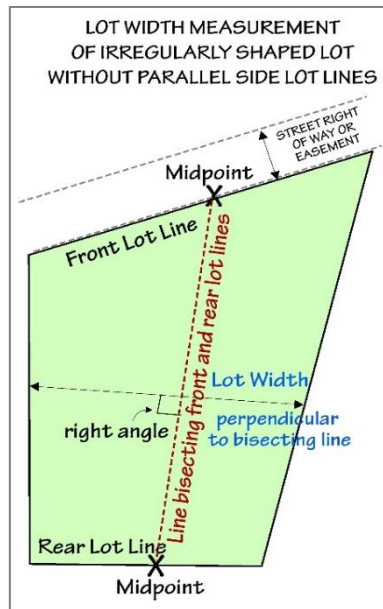
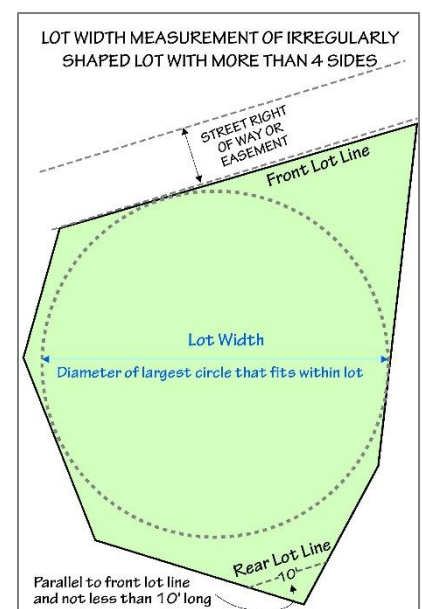


Figure 4.3C



Krakow Township Zoning Ordinance

C. 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 eave/overhang or raised platform, whichever is closest to the lot line, of the applicable building or structure. Structures which are level with the surface of the ground (i.e. patio) or are no higher than one (1) step up are not considered a raised platform and do not have to conform to setbacks.
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 Double Frontage Lots.** In the case of a corner or double frontage lot, the front lot line shall be that line separating said lot from that street which is designated as the front street in the plat and/or in the request for a zoning permit. The front setback requirements shall be met on both street.
5. **Lake Frontage Lots.**
 - a. In the case of a lakefront lot, the front lot line shall be the line adjoining the mean high water mark of said lake.
 - b. Raised structures built to access the lake may be erected in the lakefront setback. Structures shall not be attached the principal building and shall be no higher than seven and one-half (7 ½") inches off the ground.
6. **Qualifying Space.** No portion of a lot used in complying with the provisions of this Ordinance for lot size, yard setbacks or percentage of lot coverage, in connection with an existing or projected structure, shall again be used to qualify or justify any other structure existing or intended to exist at the same time.

D. Application of Height Regulations.

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. Height limitations in all districts do not apply to chimneys, cooling towers, elevation bulkheads, fire towers, gas tanks, grain elevators, silos, stacks, stage towers and scenery lofts, water tanks, monuments, cupolas, domes, spires, TV antennae, communication towers, wind energy systems, penthouses housing necessary mechanical appurtenances, church steeples, flag poles, and other such structures incidental to the permitted uses of the district in which they are located.

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E. Number of Dwellings on a Lot.

More than one (1) detached single-family dwelling unit may be located on a single lot in all districts as a permitted use except in the case of lakefront lots where more than one (1) single-family dwelling unit on a lot shall be a Special Use. Where more than one (1) detached dwelling unit is located on the same lot, they shall be separated by thirty (30') feet. Each detached dwelling unit shall meet the main building setbacks of the district.

F. Transition Zoning.

A residential lot with its side yard adjacent to a parcel in a Commercial District, not separated from such district by a street, and not extending more than one hundred (100') feet from said district, may be utilized for nonresidential use. This transitional lot may be used for professional offices. Approval for a nonresidential use on a transitional lot shall require a detailed site plan and an architectural rendering of all structures to be located on the parcel to be submitted to the Planning Commission. In addition, approval must meet the following conditions:

1. The yard setbacks shall conform to the requirements of the abutting nonresidential district.
2. Adequate parking and access shall be provided.
3. Landscaping and screening shall be planned according to [Section 3.28](#).
4. The proposed structure shall have a residential appearance in keeping with the character of the adjacent residential district.

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Section 4.4 R-1 - Rural Residential District

R-1

A. Purpose.

This district is intended to provide a rural residential environment in keeping with the general character of Township. The low density mixture of uses permitted in this zone is designed to minimize any negative impacts such development may have on the Township’s natural environment.

B. Uses Allowed.

Permitted and Special Land Uses shall be limited to those listed below (also in [Section 4.10: Full Table of Permitted and Special Land 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 LAND USES	
<i>P</i> = Permitted by right <i>S</i> = Permitted with a Special Use Permit *supplemental development regulations	R-1
Residential Uses	
Accessory Dwelling Units/Guest Houses (Special Use on lakefront lots)* (§7.32)	P
Cottage Industries* (§7.30)	S
Home Occupations* (§7.30)	P
Senior Housing* (§7.12)	S
Single-Family Detached Dwelling (including earth homes)	P
Two-Family Dwelling (duplex)	S
Accommodation & Food/Event Services	
Bed & Breakfasts & Tourist Homes* (§7.33)	S
Short Term Rental Homes	P
Arts, Entertainment & Recreation	
Art Galleries & Art Studios	S
Museums & Historic sites (Open to the Public)	S
Nature Parks, Nature Areas & Wildlife Preserves	P
Public Parks & Playgrounds	P
Communications	
Wireless Communications Support Structures* (§7.11)	S
Small Cell Wireless Facility* (§7.11)	S
Educational Services & Religion	
Religious Institutions & Customary Accessory Uses* (§7.10)	S
Human Care & Social Assistance	
Adult Day Care Facilities (in private home) (6 or less adults)	P
Adult Day Care Facilities (in private home) (7-12 adults)	S

TABLE OF PERMITTED USES & SPECIAL LAND USES	
<i>P</i> = Permitted by right <i>S</i> = Permitted with a Special Use Permit *supplemental development regulations	R-1
Human Care & Social Assistance (continued)	
Adult Foster Care Family Homes (6 or less adults)	P
Assisted Living Home/Nursing Home/Convalescent Home* (§7.12)	S
Child Care Home, Family (6 or less)	P
Child Care Home, Group (7-12)	S
Child Care Center/Nursery School (not in home)* (§7.9)	S
State-Licensed Residential Facilities (Adult Foster Care 6 or less)	P
Industrial, Mining & Waste Management	
Mining/Resource Extraction (incl sand, gravel, rock and mineral extraction)* (§7.13)	S
Miscellaneous	
Accessory Buildings & Uses Incidental to Principal Uses* (§3.11)	P
Gazebos* (§3.11)	P
Planned Unit Developments* (§7.37)	S
Platted Subdivisions* (§7.39)	S
Site Condominium Development* (§7.38)	S
Transportation, Storage & Wholesale	
Air Strips, Landing Fields, Heliports* (§7.2)	S
Utilities & Energy	
Electric Transmission Towers	P
Essential Services	P

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C. Development Standards.

1. Lot & Structure Standards

a. Lot Area	1 acre Lot sizes are net. Easements are excluded.
b. Lot Width (min.)	100 ft Width to depth ratio of 1 to 4 will apply for newly established lots. Lake lots are exempted.
c. Building Height (max.)	2 stories or 30 ft
d. Floor Area (min.)	Single-Family Dwellings: 1,000 sq ft on conforming lots 600 sq ft on nonconforming lots The minimum floor area per dwelling shall not include area of basements, breezeways, porches, or attached garages.
e. Dwelling Unit Width (min.)	24 ft

2. Setbacks (Figure 4.4A)

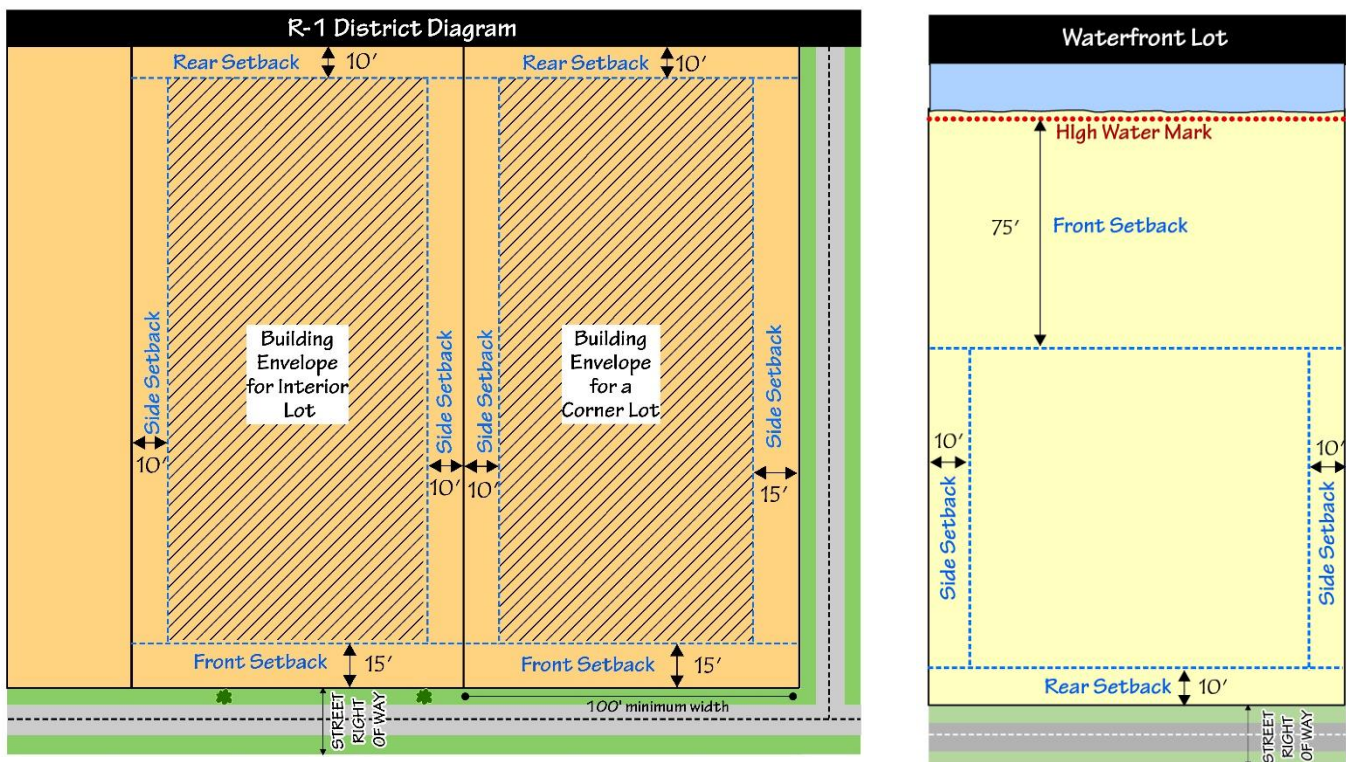
a. Front (min.)	15 ft
b. Side (min.)	10 ft
c. Side – Streetside (min.)	15 ft
d. Rear (min.)	10 ft
e. Lakefront (min.)	75 ft from mean high water mark but not less than 40 ft if the line of sight provision applies (below). Line of Sight: Where dwellings exist on adjacent lots of lakefront property and they are closer than seventy-five (75') feet minimum front yard setback, the front yard setback will be the line between the two (2) points of the buildings closest to, but not closer than forty (40') feet from the high water mark. If there is a dwelling closer than seventy-five (75') feet, but not closer than forty (40') feet from the high water mark on only one (1) of the lots, the building line of the existing building will be used in determination of the front yard line. The buildings which are used for determining the line of sight shall not be more than three hundred (300') feet apart. To determine line of site, the distance from water of the existing dwelling is measured from the structure corner on the side closest to the lot line of the lot on which a new structure is proposed. (Figure 4.4B) All lakefront lots shall be subject to greenbelt requirements in §3.25 . There is no front yard setback for properties fronting the right-of- way of US-23. There is no rear yard setback for properties boarding the right-of-way of US-23.
f. Multiple Dwellings on a Lot	Where more than one detached dwelling unit is located on the same lot, they shall be separated by thirty (30') feet. Each detached dwelling unit shall meet the main building setbacks of the district. See §4.3.E . Minimum yard setbacks (above) apply.

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3. Additional Development Standards

a. Accessory Buildings	Regulated by §3.11.
b. Screening	When a non-residential use abuts a residential use or district, screening is required per §3.28.
c. Fences	Regulated by §3.27.
d. Permitted Yard Encroachments	Regulated by §3.36.
e. Dwelling Regulations	Regulated by §3.31.
a. Parking & Loading	Regulated by §3.34.

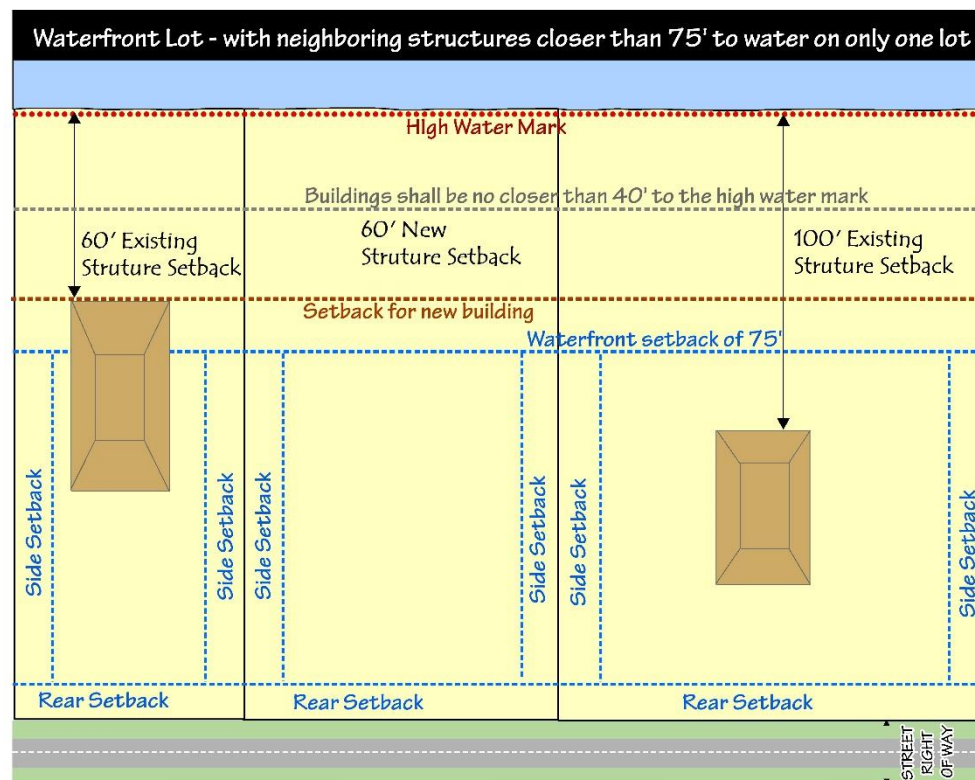
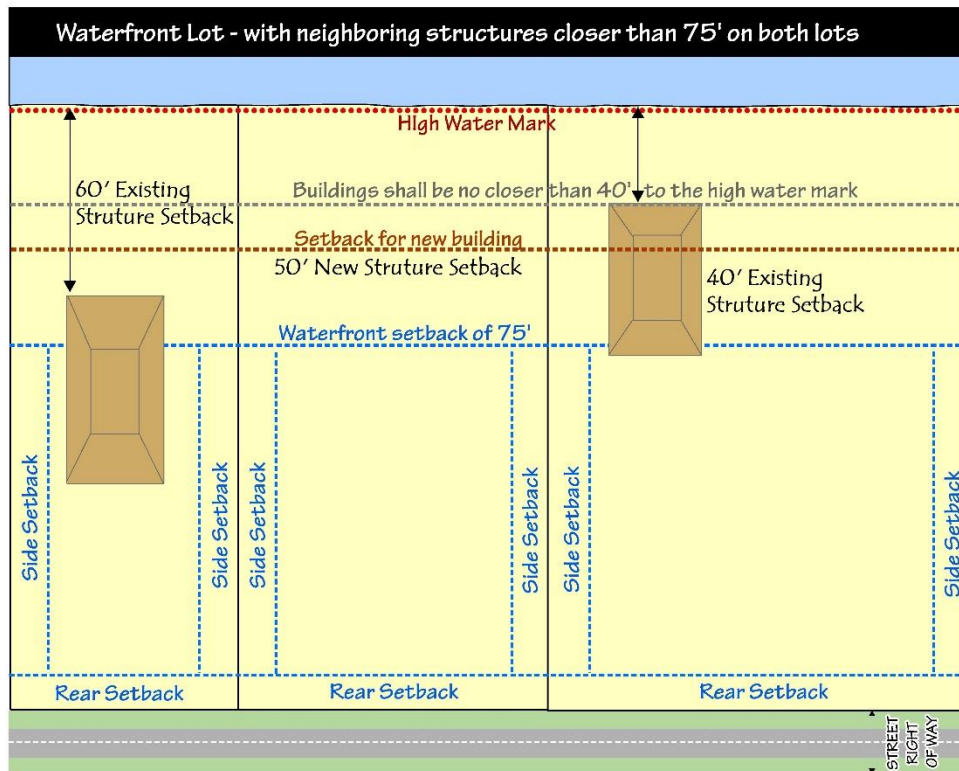
Figure 4.4A



1 Purpose & Authority	2 Definitions	3 General Provisions	4 District Regulations	5 Site Plans & Plot Plans
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Figure 4.4B



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

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Section 4.5 R-2 - Mixed Residential District

R-2

A. Purpose.

The R-2 Mixed Residential Zone is designed to provide a location within the Township for dwelling units containing a mixture of densities and housing types. Those structures which offer an alternative to single-family detached housing (while still adhering to the low to medium density character of the community) will be permitted in this zone. This district shall be located within the Township so as to minimize proximity to commercial activities and community services.

B. Uses Allowed.

Permitted and Special Land Uses shall be limited to those listed below (also in [Section 4.10: Full Table of Permitted and Special Land 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 LAND USES	
<i>P</i> = Permitted by right <i>S</i> = Permitted with a Special Use Permit *supplemental development regulations	R-2
Residential Uses	
Accessory Dwellings Units/Guest Houses (Special Use on lakefront lots)* (§7.32)	P
Cottage Industries* (§7.30)	S
Home Occupations* (§7.30)	P
Multiple-Family Dwelling Units (Apartments)* (§7.5)	S
Single-Family Detached Dwelling (incl earth homes)	P
Single-Family Attached Dwelling (Townhouses)	S
Two-Family Dwelling (duplex)	P
Accommodation & Food/Event Services	
Bed & Breakfasts & Tourist Homes* (§7.33)	S
Cabin Courts (or Cabin Complex)	S
Resorts* (§7.22)	S
Rooming Houses/Boarding Houses* (§7.34)	S
Short Term Rental Homes	P
Arts, Entertainment & Recreation	
Art Galleries & Art Studios	S
Marinas* (§7.16)	S
Museums & Historic sites (Open to the Public)	S
Nature Parks, Nature Areas & Wildlife Preserves	P
Public Parks & Playgrounds	P
Communications	
Wireless Communications Support Structures* (§7.11)	S
Small Cell Wireless Facility* (§7.11)	S
Educational Services & Religion	
Religious Insti. & Customary Accessory Uses* (§7.10)	S
Human Care & Social Assistance	
Adult Day Care Facilities (in private home) (6 or less)	P
Adult Day Care Facilities (in private home) (7-12)	S

TABLE OF PERMITTED USES & SPECIAL LAND USES	
<i>P</i> = Permitted by right <i>S</i> = Permitted with a Special Use Permit *supplemental development regulations	R-2
Human Care & Social Assistance (continued)	
Adult Foster Care Family Homes (6 or less)	P
Adult Foster Care Small Group Home (7-12)	S
Child Care Home, Family (6 or less)	P
Child Care Home, Group (7 -12)	S
Child Care Center/Nursery School (not in home)* (§7.9)	S
State-Licensed Residential Facilities (Adult Foster Care 6 or less)	P
Industrial, Mining & Waste Management	
Mining/Resource Extraction (incl sand, gravel, rock and mineral extraction)* (§7.13)	S
Miscellaneous	
Accessory Bldgs/Uses Incidental to Principal Uses* (§3.11)	P
Gazebos* (§3.11)	P
Planned Unit Developments* (§7.37)	S
Platted Subdivisions* (§7.39)	S
Site Condominium Development* (§7.38)	S
Public Facilities	
Government Offices	S
Libraries	S
Police/Fire Stations/Jails	S
Post Office	S
Public Works Facilities with Outdoor Storage	S
Transportation, Storage & Wholesale	
Air Strips, Landing Fields, Heliports* (§7.2)	S
Scenic & Sightseeing Transportation/Ground & Water Passenger Transportation (& Charters)	S
Utilities & Energy	
Electric Transmission Towers	P
Essential Services	P

1 Purpose & Authority	2 Definitions	3 General Provisions	4 District Regulations	5 Site Plans & Plot Plans
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C. Development Standards.

1. Lot & Structure Standards

a. Lot Area	12,000 sq ft (See Table below)
	Lot sizes are net. Easements are excluded.
b. Lot Width (min.)	75 ft
	Width to depth ratio of 1 to 4 will apply for newly established lots. Lake lots are exempted.
c. Building Height (max.)	3 stories or 45 ft
d. Floor Area (min.)	(See Table below)
	The minimum floor area per dwelling shall not include area of basements, breezeways, porches, or attached garages.
e. Dwelling Unit Width (min.)	24 ft

Minimum Lot Area and Floor Area

Dwelling Unit Type	Minimum Lot Area	Minimum Floor Area per Dwelling Unit
Single-family	12,000 sq. ft. (per main building)	1,000 sq. ft
Single-family on nonconforming lots	-----	600 sq. ft
Two-family (duplex)	20,000 sq. ft. (per main building)	1,000 sq. ft
Three-family	24,000 sq. ft. (per main building)	800 sq. ft
Four-family	24,000 sq. ft. (per main building)	800 sq. ft
Efficiency apartments	4,000 sq. ft. per apartment	350 sq. ft
One bedroom apartment	4,500 sq. ft. per apartment	500 sq. ft
Two bedroom apartments	5,000 sq. ft. per apartment	700 sq. ft
Three bedroom apartments	5,500 sq. ft. per apartment	800 sq. ft

Planning Commission has the authority to allow deviations from this table.

2. Setbacks (Figure 4.5A)

a. Front (min.)	15 ft
b. Side (min.)	10 ft
c. Side – Streetside (min.)	15 ft
d. Rear (min.)	10 ft
e. Lakefront (min.)	75 ft from mean high water mark but not less than 40 ft if the line of sight provision applies (below).
	Line of Sight: Where dwellings exist on adjacent lots of lakefront property and they are closer than seventy-five (75') feet minimum front yard setback, the front yard setback will be the line between the two (2) points of the buildings closest to, but not closer than forty (40') feet from the high water mark. If there is a dwelling closer than seventy-five (75') feet, but not closer than forty (40') feet from the high water mark on only one (1) of the lots, the building line of the existing building will be used in determination of the front yard line. The buildings which are used for determining the line of sight shall not be more

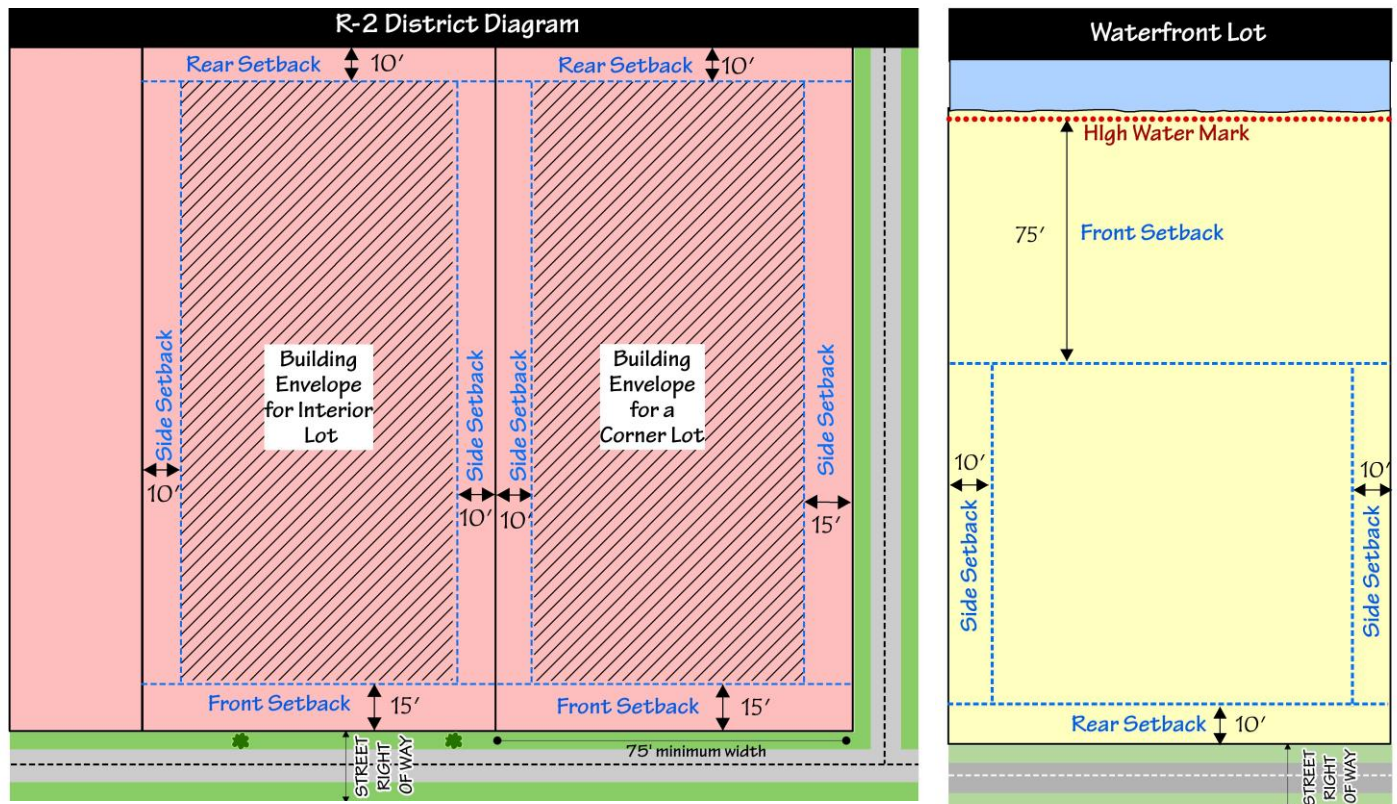
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	than three hundred (300') feet apart. To determine line of site, the distance from water of the existing dwelling is measured from the structure corner on the side closest to the lot line of the lot on which a new structure is proposed. (Figure 4.5B)
	All lakefront lots shall be subject to greenbelt requirements in §3.25 .
	There is no front yard setback for properties fronting the right-of-way of US-23. There is no rear yard setback for properties bordering the right-of-way of US-23.
f. Multiple Dwellings on a Lot	Where more than one detached dwelling unit is located on the same lot, they shall be separated by thirty (30') feet. Each detached dwelling unit shall meet the main building setbacks of the district. See §4.3.E . Minimum yard setbacks (above) apply.

3. Additional Development Standards

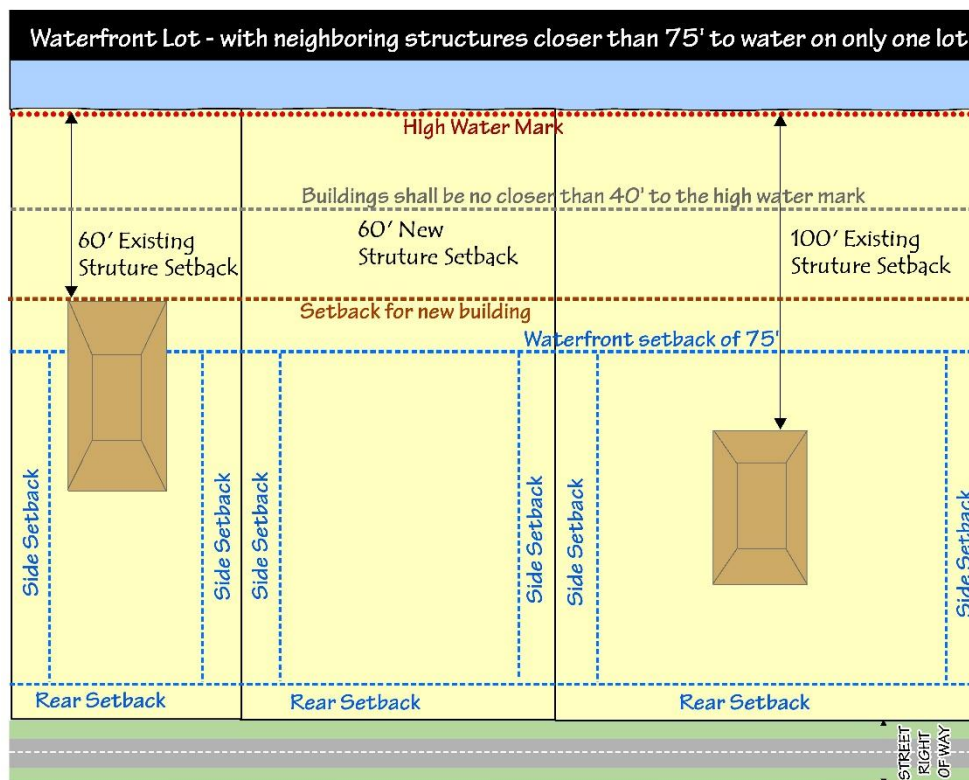
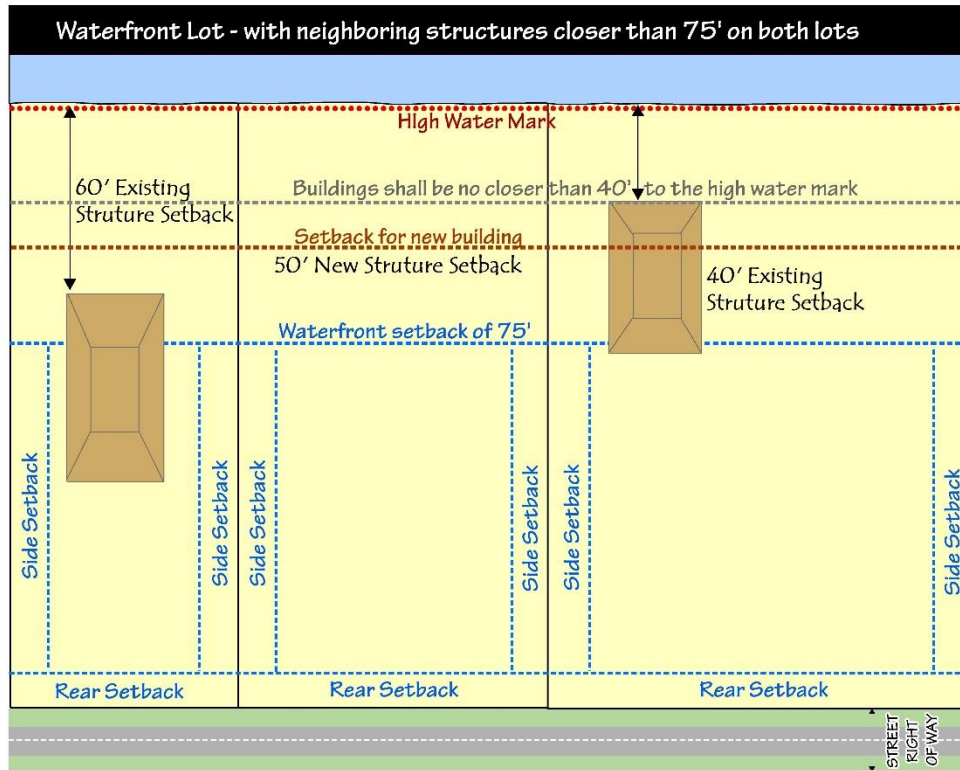
a. Accessory Buildings	Regulated by §3.11 .
b. Screening	When a non-residential use abuts a residential use or district, screening is required per §3.28 .
c. Fences	Regulated by §3.27 .
d. Permitted Yard Encroachments	Regulated by §3.36 .
e. Dwelling Regulations	Regulated by §3.31 .
b. Parking & Loading	Regulated by §3.34 .

Figure 4.5A



1 Purpose & Authority	2 Definitions	3 General Provisions	4 District Regulations	5 Site Plans & Plot Plans
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Figure 4.5B



1 Purpose & Authority	2 Definitions	3 General Provisions	4 District Regulations	5 Site Plans & Plot Plans
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Section 4.6 A - Agricultural District

A. Purpose.

A

The establishment of an Agricultural District allows for farming, larger lot residential uses, and other compatible uses. The Agricultural District is in conformity with the rural nature of Krakow Township.

B. Uses Allowed.

Permitted and Special Land Uses shall be limited to those listed below (also in [Section 4.10: Full Table of Permitted and Special Land 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 LAND USES	
<i>P = Permitted by right</i>	A
<i>S = Permitted with a Special Use Permit</i>	
<i>*supplemental development regulations</i>	
Accommodation & Food/Event Services	
Bed & Breakfasts & Tourist Homes* (§7.33)	S
Convention Centers/Conference Centers/Banquet Halls/Wedding Venues	S
Inns (Lodging Units within Other Commercial Establishment)	S
Microbreweries & Distilleries (serving directly to the public)	S
Resorts* (§7.22)	S
Short Term Rental Homes	P
Wineries & Cider Mills (including accessory uses such as tasting rooms)	P
Agriculture, Animals & Forest Products	
Agricultural products processing and storage (excluding concentrated animal feeding operations; Grain Elevator)	P
Animal Sales Yards/Auctions for Livestock	P
Animal Shelter/Animal Rescue Shelter	S
Agricultural Tourism Businesses (on Farms)	S
Biofuel Production Facilities on Farms* (§7.29)	PS
Boarding Stables; Riding Arenas	P
Bulk seed, feed, fertilizer and nursery stock outlet and distribution centers (including wholesale)	P
Farming, Domestic; Stables for Horses/Exotic Animals* (§7.25)	P
Farming, Commercial	P
Farm Product Sales (Fruit/Vegetable Market) – not grown on premises	P

TABLE OF PERMITTED USES & SPECIAL LAND USES	
<i>P = Permitted by right</i>	A
<i>S = Permitted with a Special Use Permit</i>	
<i>*supplemental development regulations</i>	
Agriculture, Animals & Forest Products (continued)	
Farm Market/Roadside stand (sale of product grown on premises)* (§7.24)	P
Firewood Sales (Commercial, Large Scale) (does not include small bundles of firewood)	S
Forest Products Processing (Saw Mills, Veneer Mills, Planing Mills & related operations)* (§7.19)	S
Game Preserves/Hunting Preserves	S
Greenhouse; Nursery; Landscaping Establishments* (§7.20)	S
Kennels, Dog* (§7.4)	S
Veterinary Clinic/Animal Hospital* (§7.4)	S
Arts, Entertainment & Recreation	
Archery Ranges (& as accessory use), Outdoor	P
Archery Ranges (& as accessory use), Indoor	P
Art Galleries & Art Studios	P
[†] Deer Blinds (maximum Size 100 ft ²) – no zoning permit required	P
[†] Hunting Camps - zoning permit required	P
Museums & Historic sites (Open to the Public)	S
Nature Parks, Nature Areas & Wildlife Preserves	P
Outdoor Performance Facilities	S
Outdoor Commercial Recreational Facility (ex – amusement parks, go karts; miniature golf; disc golf; drive-in theaters)* (§7.3)	S

[†]Amended 6/8/21; Effective 6/24/21

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TABLE OF PERMITTED USES & SPECIAL LAND USES	
P = Permitted by right S = Permitted with a Special Use Permit *supplemental development regulations	A
Arts, Entertainment & Recreation (continued)	
Private Clubs; Lodges; Fraternal Organizations* (§7.21)	P
Public Parks & Playgrounds	P
Shooting (Firearms) Ranges/Sportsmen's Association	S
Zoos & Animal Tours	S
Commercial, Services & Retail	
Flea Market	S
Furniture Refinishing (Upholsterers)/Furniture Repair	S
Gift Shops	S
Health Spa	S
Printing/Binding/Publishing of Print Material	S
Recording Studios	S
Retail Sales - Sporting Goods, Hobby, Book & Music Stores	S
Small Engine Repair	S
Small-Scale Craft Making	S
Studios for dance, physical exercise and music	S
Taxidermy Shops	S
Communications	
Wireless Communications Support Structures* (§7.11)	S
Small Cell Wireless Facility* (§7.11)	S
Construction & Contractors	
Special Trade Contractors Offices & Showrooms – no outdoor storage (construction, electrical, plumbing, heating, excavation, well-drilling, etc)	S
Special Trade Contractors Offices & Showrooms w/ outdoor storage of materials & contractor's equipment (construction, electrical, plumbing, heating, excavation, well-drilling, etc)	S
Human Care & Social Assistance	
Adult Day Care Facilities (not in private home)	S
Adult Day Care Facilities (in private home) (6 or less adults)	P
Adult Foster Care Family Homes	P
Adult Foster Care Small Group Home (7-12)	P
Adult Foster Care Large Group Home (13-20)	P
Adult Foster Care Congregate Facilities (over 20)	S
Assisted Living Home/Nursing Home/Convalescent Home* (§7.12)	S
Child Care Home, Family (6 or less)	P
Child Care Home, Group (7 -12)	S
State-Licensed Residential Facilities (Adult Foster Care 6 or less)	P

TABLE OF PERMITTED USES & SPECIAL LAND USES	
P = Permitted by right S = Permitted with a Special Use Permit *supplemental development regulations	A
Industrial, Mining & Waste Management	
Mining/Resource Extraction (incl sand, gravel, rock and mineral extraction)* (§7.13)	S
Miscellaneous	
Accessory Buildings & Uses Incidental to Principal Uses* (§3.11)	P
Cemeteries including Columbaria and Mausoleums (human or pet)	S
Family Burial Grounds (on private property)	P
Gazebos* (§3.11)	P
Planned Unit Developments* (§7.37)	S
Platted Subdivisions* (§7.39)	S
Site Condominium Development* (§7.38)	S
Public Facilities	
Government Offices	S
Libraries	S
Police/Fire Stations/Jails	S
Post Office	S
Public Works Facilities with Outdoor Storage	S
Residential Uses	
Accessory Dwelling Units/Guest Houses (Special Use on lakefront lots)* (§7.32)	P
Cottage Industries* (§7.30)	S
Home Occupations* (§7.30)	P
Senior Housing* (§7.12)	S
Single-Family Detached Dwelling (including earth homes)	P
Two-Family Dwelling (duplex)	P
Transportation, Storage & Wholesale	
Drone (Unmanned Aerial) Centers	S
Self-Storage Facilities/Mini-Storage* (§7.26)	S
Utilities & Energy	
Electric Transmission Towers	P
Essential Services	P
Public Utility Facilities (without storage yards)	S
Solar Energy Facility (Utility-Scale)* (§7.35)	S
Telephone Exchange Buildings	S
Wind Energy Facilities and Anemometer Towers (Commercial)* (§7.28)	S
Wind Energy Systems (on-site)* (§7.28)	S

- | | | | | |
|----------------------------------|-----------------------------------|----------------------------------|---------------------------------------|----------------------------------|
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Krakow Township Zoning Ordinance

C. Development Standards.

1. Lot & Structure Standards

a. Lot Area	15 acres Lot sizes are net. Easements are excluded.
b. Lot Width (min.)	None Width to depth ratio of 1 to 4 will apply for newly established lots. Lake lots are exempted.
c. Building Height (max.)	3 stories or 45 ft
d. Floor Area (min.)	1,000 sq ft The minimum floor area per dwelling shall not include area of basements, breezeways, porches, or attached garages.
e. Dwelling Unit Width (min.)	24 ft

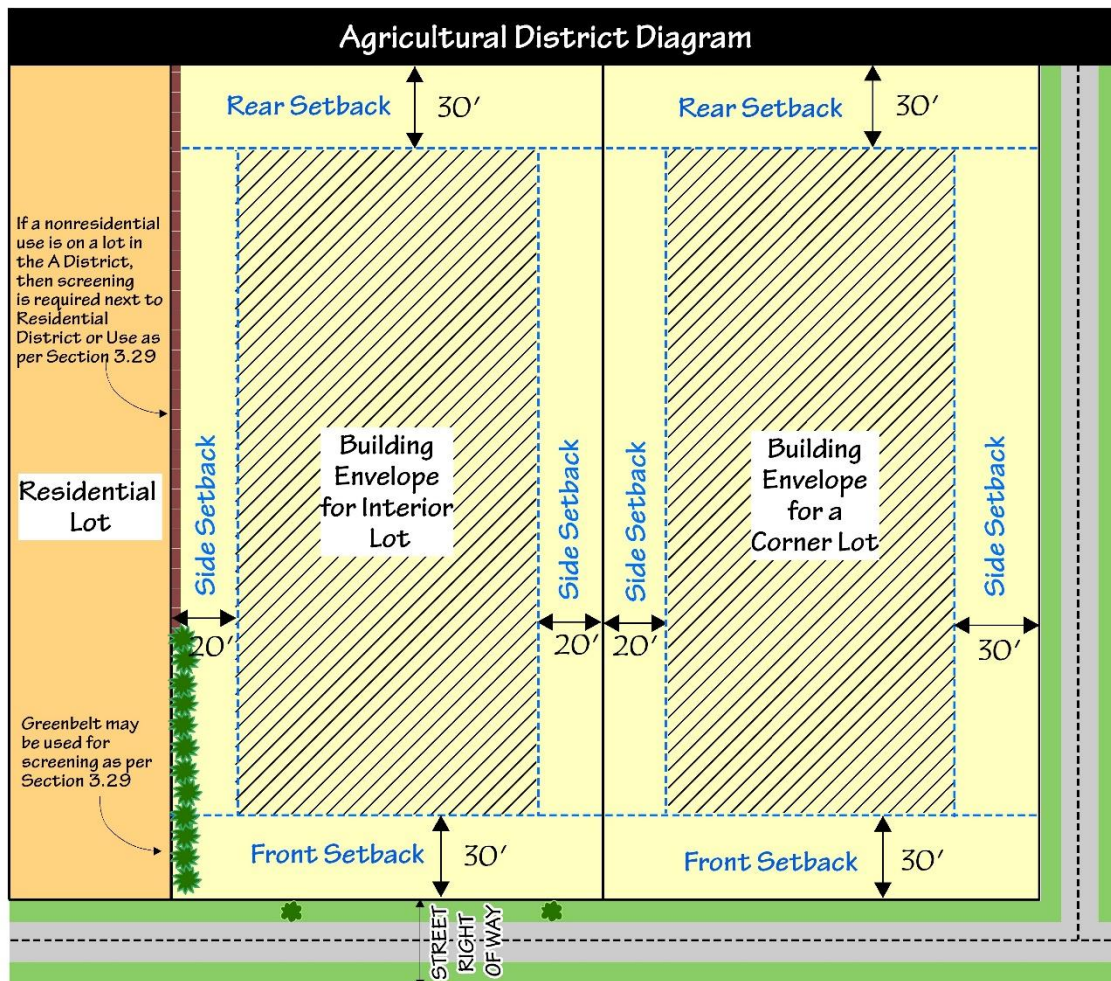
2. Setbacks (Figure 4.6)

a. Front (min.)	30 ft
b. Side (min.)	20 ft
c. Side – Streetside (min.)	30 ft
d. Rear (min.)	30 ft
e. Lakefront (min.)	<p>75 ft from mean high water mark but not less than 40 ft if the line of sight provision applies (below).</p> <p>Line of Sight: Where dwellings exist on adjacent lots of lakefront property and they are closer than seventy-five (75') feet minimum front yard setback, the front yard setback will be the line between the two (2) points of the buildings closest to, but not closer than forty (40') feet from the high water mark. If there is a dwelling closer than seventy-five (75') feet, but not closer than forty (40') feet from the high water mark on only one (1) of the lots, the building line of the existing building will be used in determination of the front yard line. The buildings which are used for determining the line of sight shall not be more than three hundred (300') feet apart. To determine line of site, the distance from water of the existing dwelling is measured from the structure corner on the side closest to the lot line of the lot on which a new structure is proposed. See Figures in R-1 and R-2 Districts (Section 4.4 and 4.5)</p> <p>All lakefront lots shall be subject to greenbelt requirements in §3.25.</p> <p>There is no front yard setback for properties fronting the right-of-way of US-23. There is no rear yard setback for properties boarding the right-of-way of US-23.</p>
f. Multiple Dwellings on a Lot	<p>Where more than one detached dwelling unit is located on the same lot, they shall be separated by thirty (30') feet. Each detached dwelling unit shall meet the main building setbacks of the district. See §4.3.E.</p> <p>Minimum yard setbacks (above) apply.</p>

3. Additional Development Standards

a. Accessory Buildings	Regulated by §3.11.
b. Screening	When a non-residential use abuts a residential use or district, screening is required per §3.28. Commercial farms are excluded from the screening requirements.
c. Fences	Regulated by §3.27.
d. Permitted Yard Encroachments	Regulated by §3.36.
e. Dwelling Regulations	Regulated by §3.31.
c. Parking & Loading	Regulated by §3.34.

Figure 4.6



Krakow Township Zoning Ordinance

Section 4.7 FR – Forest/Recreational District

FR

A. Purpose.

The establishment of a Forest/Recreational District allows those residents who desire to engage in forestry or farming operations and recreational pursuits, which compliment forestry use, the opportunity to do so. This district is also intended to provide rural residential areas. The Forest /Recreational District is in conformity with the rural nature of the Township.

B. Uses Allowed.

Permitted and Special Land Uses shall be limited to those listed below (also in [Section 4.10: Full Table of Permitted and Special Land 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 LAND USES	
<i>P = Permitted by right</i>	FR
<i>S = Permitted with a Special Use Permit</i>	
<i>*supplemental development regulations</i>	
Accommodation & Food/Event Services	
Bed & Breakfasts & Tourist Homes* (§7.33)	S
Cabin Courts (or Cabin Complex)	S
Convention Centers/Conference Centers/Banquet Halls/Wedding Venues	S
Inns (Lodging Units within Other Commercial Establishment)	S
Microbreweries & Distilleries (serving directly to the public)	S
Resorts* (§7.22)	S
Short Term Rentals	P
Wineries & Cider Mills (including accessory uses such as tasting rooms)	P
Agriculture, Animals & Forest Products	
Agricultural Tourism Businesses (on Farms)	S
Biofuel Production Facilities on Farms* (§7.29)	PS
Boarding Stables; Riding Arenas	P
Farming, Domestic; Stables for Horses/Exotic Animals* (§7.25)	P
Farming, Commercial	P
Farm Product Sales (Fruit/Vegetable Market) – not grown on premises	P
Farm Market/Roadside stand (sale of product grown on premises)* (§7.24)	P
Firewood Sales (Commercial, Large Scale) (does not include small bundles of firewood)	S
Forest Products Processing (Saw Mills, Veneer Mills, Planing Mills & related operations)* (§7.19)	S
Game Preserves/Hunting Preserves	S
Kennels, Dog* (§7.4)	S

TABLE OF PERMITTED USES & SPECIAL LAND USES	
<i>P = Permitted by right</i>	FR
<i>S = Permitted with a Special Use Permit</i>	
<i>*supplemental development regulations</i>	
Agriculture, Animals & Forest Products (continued)	
Veterinary Clinic/Animal Hospital* (§7.4)	S
Arts, Entertainment & Recreation	
Archery Ranges (& as accessory use), Outdoor	P
Archery Ranges (& as accessory use), Indoor	P
Art Galleries & Art Studios	P
Campgrounds* (§7.8)	S
Camps – private outdoor recreational camps (i.e. Summer Camps)	S
Canoe/Kayak Liveries; Equipment Rental, Non-Motorized (Outfitter)	P
Country Clubs; Swimming Pools Clubs; Tennis Clubs* (§7.14)	S
[†] Deer Blinds (maximum Size 100 ft2) – no zoning permit required	P
Golf Courses & Golf Driving Ranges* (§7.14)	S
[†] Hunting Camps - zoning permit required	P
Marinas* (§7.16)	S
Museums & Historic sites (Open to the Public)	S
Nature Parks, Nature Areas & Wildlife Preserves	P
Outdoor Performance Facilities	S
Outdoor Commercial Recreational Facility (ex – amusement parks; go karts; miniature golf; disc golf; drive-in theaters)* (§7.3)	S

[†]Amended 6/8/21; Effective 6/24/21

1 Purpose & Authority	2 Definitions	3 General Provisions	4 District Regulations	5 Site Plans & Plot Plans
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Krakow Township Zoning Ordinance

TABLE OF PERMITTED USES & SPECIAL LAND USES	
P = Permitted by right S = Permitted with a Special Use Permit *supplemental development regulations	FR
Arts, Entertainment & Recreation (continued)	
Private Clubs; Lodges; Fraternal Organizations* (§7.21)	P
Public Parks & Playgrounds	P
Shooting (Firearms) Ranges/Sportsmen's Association	S
Zoos & Animal Tours	S
Commercial, Services & Retail	
Flea Market	S
Furniture Refinishing (Upholsterers)/Furniture Repair	S
Gift Shops	S
Health Spa	S
Outdoor display of products/materials for retail sale or rental (accessory to a principle permitted retail use).	S
Outdoor Sales/Rental of automobiles, trucks, motorcycles, ATVs, marine craft, farm implements, contractor's equipment, recreational equipment	S
Printing/Binding/Publishing of Print Material	S
Recording Studios	S
Retail Sales - Sporting Goods, Hobby, Book & Music Stores	S
Small Engine Repair	S
Small-Scale Craft Making	S
Studios for dance, physical exercise and music	S
Taxidermy Shops	S
Communications	
Wireless Communications Support Structures* (§7.11)	S
Small Cell Wireless Facility* (§7.11)	S
Construction & Contractors	
Special Trade Contractors Offices & Showrooms – no outdoor storage (construction, electrical, plumbing, heating, excavation, well-drilling, etc)	S
Special Trade Contractors Offices & Showrooms w/ outdoor storage of materials & contractor's equipment (construction, electrical, plumbing, heating, excavation, well-drilling, etc)	S
Educational Services & Religion	
Religious Institutions & Customary Accessory Uses* (§7.10)	S
Human Care & Social Assistance	
Adult Commercial Day Care (not in private home)	S

TABLE OF PERMITTED USES & SPECIAL LAND USES	
P = Permitted by right S = Permitted with a Special Use Permit *supplemental development regulations	FR
Human Care & Social Assistance (continued)	
Adult Day Care Facilities (in private home) (6 or less)	P
Adult Day Care Facilities (in private home) (7-12)	S
Adult Foster Care Family Homes	P
Adult Foster Care Small Group Home (7-12)	P
Adult Foster Care Large Group Home (13-20)	P
Adult Foster Care Congregate Facilities (over 20)	S
Assisted Living Home/Nursing Home/Convalescent Home* (§7.12)	S
Child Care Home, Family (6 or less)	P
Child Care Home, Group (7 -12)	S
State-Licensed Residential Facilities (Adult Foster Care 6 or less)	P
Industrial, Mining & Waste Management	
Mining/Resource Extraction (incl sand, gravel, rock and mineral extraction)* (§7.13)	S
Miscellaneous	
Accessory Buildings & Uses Incidental to Principal Uses* (§3.11)	P
Gazebos* (§3.11)	P
Planned Unit Developments* (§7.37)	S
Platted Subdivisions* (§7.39)	S
Site Condominium Development* (§7.38)	S
Public Facilities	
Government Offices	S
Libraries	S
Police/Fire Stations/Jails	S
Post Office	S
Public Works Facilities with Outdoor Storage	S
Residential Uses	
Accessory Dwelling Units/Guest Houses (Special Use on lakefront lots)* (§7.32)	P
Cottage Industries* (§7.30)	S
Home Occupations* (§7.30)	P
Manufactured Housing Community (with accessory uses such as laundry facilities, office building, and community building)* (§7.40)	S
Senior Housing* (§7.12)	S
Single-Family Detached Dwelling (including earth homes)	P
Two-Family Dwelling (duplex)	P

- | | | | | |
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TABLE OF PERMITTED USES & SPECIAL LAND USES	
<i>P</i> = Permitted by right <i>S</i> = Permitted with a Special Use Permit <i>*supplemental development regulations</i>	FR
Transportation, Storage & Wholesale	
Air Strips, Landing Fields, Heliports* (\$7.2)	S
Scenic & Sightseeing Transportation/Ground & Water Passenger Transportation (and Charters)	S
Self-Storage Facilities/Mini-Storage* (\$7.26)	S
Vehicle Parking & Storage, Seasonal	S
Warehousing, Storage & Wholesale Businesses	S

TABLE OF PERMITTED USES & SPECIAL LAND USES	
<i>P</i> = Permitted by right <i>S</i> = Permitted with a Special Use Permit <i>*supplemental development regulations</i>	FR
Utilities & Energy	
Electric Transmission Towers	P
Essential Services	P
Public Utility Facilities (without storage yards)	S
Solar Energy Facility (Utility-Scale)* (\$7.35)	S
Telephone Exchange Buildings	S
Wind Energy Facilities and Anemometer Towers (Commercial)* (\$7.28)	S
Wind Energy Systems (on-site)* (\$7.28)	S

C. Development Standards.

1. Lot & Structure Standards

a. Lot Area	5 acres Lot sizes are net. Easements are excluded.
b. Lot Width (min.)	None Width to depth ratio of 1 to 4 will apply for newly established lots. Lake lots are exempted.
c. Building Height (max.)	3 stories or 45 ft
d. Floor Area (min.)	See table below The minimum floor area per dwelling shall not include area of basements, breezeways, porches, or attached garages.
e. Dwelling Unit Width (min.)	24 ft

Minimum Lot Area and Floor Area per Dwelling Unit	
Dwelling Unit Type	Minimum Floor Area
Single-family	1,000 sq. ft
Single-family on nonconforming lots	600 sq. ft
Two-family	1,000 sq. ft
Three-family	800 sq. ft
Four-family	800 sq. ft
Efficiency apartments	350 sq. ft
One bedroom apartment	500 sq. ft
Two bedroom apartments	700 sq. ft
Three bedroom apartments	800 sq. ft
Planning Commission has the authority to allow deviations from this table.	

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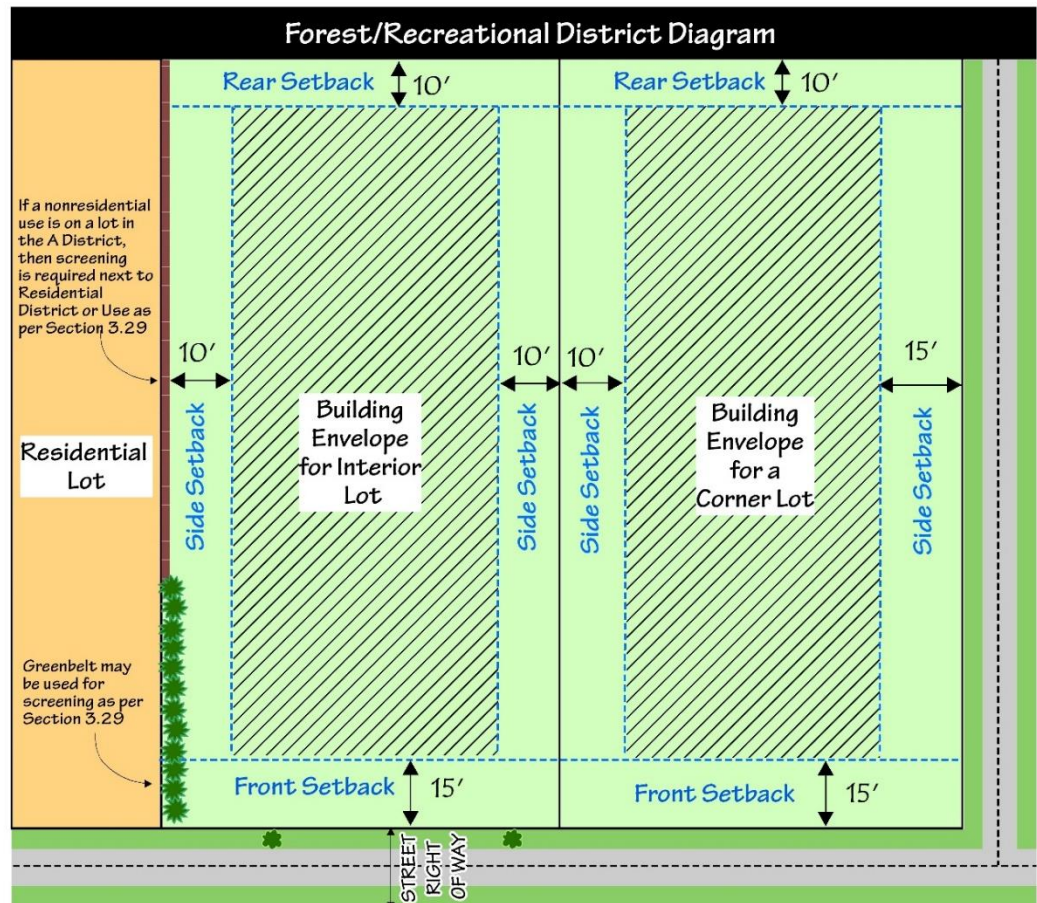
2. Setbacks (Figure 4.7)

a. Front (min.)	15 ft
b. Side (min.)	10 ft
c. Side – Streetside (min.)	15 ft
d. Rear (min.)	10 ft
e. Multiple Dwellings on a Lot	Where more than one detached dwelling unit is located on the same lot, they shall be separated by thirty (30') feet. Each detached dwelling unit shall meet the main building setbacks of the district. See §4.3.E . Minimum yard setbacks (above) apply.

3. Additional Development Standards

a. Accessory Buildings	Regulated by §3.11 .
b. Screening	When a non-residential use abuts a residential use or district, screening is required per §3.28 .
c. Fences	Regulated by §3.27 .
d. Permitted Yard Encroachments	Regulated by §3.36 .
e. Dwelling Regulations	Regulated by §3.31 .
d. Parking & Loading	Regulated by §3.34 .

Figure 4.7



Krakow Township Zoning Ordinance

Section 4.8 C – Commercial District

C

A. Purpose.

This district is intended to serve the commercial needs of residents, visitors and vehicular traffic passing through the Township.

B. Uses Allowed.

Permitted and Special Land Uses shall be limited to those listed below (also in [Section 4.10: Full Table of Permitted and Special Land 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 LAND USES	
<i>P = Permitted by right</i>	C
<i>S = Permitted with a Special Use Permit</i>	
<i>*supplemental development regulations</i>	
Accommodation & Food/Event Services	
Bakeries & Confectioneries	P
Bars/Taverns	P
Caterers/Food Service Contractors	P
Coffee Shops	P
Convention Centers/Conference Centers/Banquet Halls/Wedding Venues	S
Food Trucks	P
Hotels, Motels, and Motor Courts (attached or detached units) – NOT TO EXCEED 20 UNITS* (§7.15)	P
Hotels, Motels, and Motor Courts (attached or detached units) – MORE THAN 20 UNITS* (§7.15)	S
Inns (Lodging Units within Other Commercial Establishment)	P
Microbreweries & Distilleries (serving directly to the public)	P
Restaurants and Delicatessens (without Drive-Through)* (§7.23)	P
Restaurants with Drive-Through (Drive-In or Eat in Car) (§7.23)	P
Agriculture, Animals & Forest Products	
Bulk seed, feed, fertilizer and nursery stock outlet and distribution centers (including wholesale)	P
Farm Product Sales (Fruit/Vegetable Market) – not grown on premises	P
Greenhouse; Nursery; Landscaping Establishments* (§7.20)	P

TABLE OF PERMITTED USES & SPECIAL LAND USES	
<i>P = Permitted by right</i>	C
<i>S = Permitted with a Special Use Permit</i>	
<i>*supplemental development regulations</i>	
Arts, Entertainment & Recreation	
Amusement Arcades & Similar Indoor Recreation	P
Art Galleries & Art Studios	P
Bike Shops	P
Billiards Halls	P
Bowling Centers	P
Canoe/Kayak Liveries; Equipment Rental, Non-Motorized (Outfitter)	P
Fitness & Recreational Sports (ex: health clubs, gym)	P
Marinas* (§7.16)	S
Museums & Historic sites (Open to the Public)	S
Nature Parks, Nature Areas & Wildlife Preserves	P
Outdoor Performance Facilities	S
Public Parks & Playgrounds	P
RV Parks* (§7.8)	S
Skating Rinks, ice or non-ice (indoor)	P
Theaters/Performing Arts Facilities	P
Tours (Commercial Operations)	P
Commercial, Services & Retail	
Automotive Tire Sales & Installation	P
Automotive Oil Change* (§7.6)	P
Auto Repair; Auto Body/Paint/Interior & Glass* (§7.6)	P
Automobile Towing Businesses	S

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TABLE OF PERMITTED USES & SPECIAL LAND USES	
P = Permitted by right S = Permitted with a Special Use Permit *supplemental development regulations	C
Commercial, Services & Retail (continued)	
Banks/Financial Institutions	P
†Boat/RV/Recreational Equip. Repair & Storage	S
Building & Garden Equipment & Supplies Dealers	P
Business Incubator (Food Incubator listed under Manufacturing)	P
Business Services	P
Car Washes* (§7.27)	S
Cash Advance Stores	P
Cleaning Services	P
Commercial Equipment Repair & Maintenance	S
Crematoriums	S
Drive-Through Establishments (other than restaurant)	P
Electronic & Precision Equipment Repair & Maintenance	P
Equipment Rental & Sales	P
Extermination & Pest Control Services	P
Film Production Facilities including sound stages and other related activities	P
Flea Market	P
Funeral Homes & Mortuaries* (§7.18)	P
Furniture Refinishing (Upholsterers)/Furniture Repair	P
Gas Stations* (§7.6)	S
General Rental Centers	P
Gift Shops	P
Health Spa	P
Interior Designers/Showrooms	P
Laundromats & Dry Cleaning & Services	P
Locksmiths	P
Lumber Yards (pre-planed, finished lumber)/Building Material Sales	S
Manufactured Home Dealers	P
Medical Laboratories	P
Movie Rental Stores	P
Offices, Professional	P
Office Developments	P
Outdoor display of products/materials for retail sale or rental (accessory to a principle permitted retail use)	S

TABLE OF PERMITTED USES & SPECIAL LAND USES	
P = Permitted by right S = Permitted with a Special Use Permit *supplemental development regulations	C
Commercial, Services & Retail (continued)	
Outdoor Sales/Rental of automobiles, trucks, motorcycles, ATVs, marine craft, farm implements, contractor's equipment, recreational equipment	S
Pawn Shops	P
Personal Services (barber/beauty shops, tailoring, massage therapy)	P
Photofinishing/Photographers	P
Printing/Binding/Publishing of Print Material	P
Recording Studios	P
Retail Sales	P
Retail Sales - Sporting Goods, Hobby, Book & Music Stores	P
Seasonal Sales/Transient Sales	P
Sexually Oriented Businesses* (§7.36)	S
Small Engine Repair	P
Small-Scale Craft Making	P
Studios for dance, physical exercise & music	P
Taxidermy Shops	P
Communications	
Television/Radio Broadcasting Stations (with tower)* (§7.11)	S
Wireless Communications Support Structures* (§7.11)	S
Small Cell Wireless Facility* (§7.11)	S
Construction & Contractors	
Lumber/Building Material Storage Yards	S
Special Trade Contractors Offices & Showrooms – no outdoor storage (construction, electrical, plumbing, heating, excavation, well-drilling, etc)	P
Special Trade Contractors Offices & Showrooms w/ outdoor storage of materials & contractor's equipment (construction, electrical, plumbing, heating, excavation, well-drilling, etc)	S
Educational Services & Religion	
Colleges/Universities	S
Institutions of Specialized Learning & Trade Schools	S
Public, charter or private schools (elementary through high school)	S
Religious Institutions & Customary Accessory Uses* (§7.10)	S

†Amended 6/8/21; Effective 6/24/21

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TABLE OF PERMITTED USES & SPECIAL LAND USES	
P = Permitted by right S = Permitted with a Special Use Permit *supplemental development regulations	C
Human Care & Social Assistance	
Adult Day Care Facility (not in private home)	S
Adult Foster Care Small Group Home (7-12)	P
Adult Foster Care Large Group Home (13-20)	S
Adult Foster Care Congregate Facilities (over 20)	S
Assisted Living Home/Nursing Home/Convalescent Home* (\$7.12)	S
Child Care Center/Nursery School (not in home)* (\$7.9)	P
Child Caring Institution	S
Medical Clinics/Dental Clinics* (\$7.17)	P
Hospitals	S
Opticians	P
Rehabilitation Institutions; Residential Human Care and Treatment Facility (not in a residence)	S
Industrial, Mining & Waste Management	
Accessory Uses incidental to Manufacturing (offices, foods services, caretaker buildings)	P
Appliance, Heating, and Ventilation Equipment Mfg	S
Bakeries (not direct to customer)	S
Cold Storage Plants	S
Computer, Electronic, & Appliance Product Mfg	S
Food/beverage bottling & packaging	S
Food Hub Facility/Food Incubator Facility	S
Furniture & Related Product Mfg	S
Laboratories	S
Leather & Allied Product Mfg	S
Machine Shops	S
Meat Packing Plants	S
Mining/Resource Extraction (incl sand, gravel, rock and mineral extraction)* (\$7.13)	S
Miscellaneous Mfg (from previously prepared materials including agricultural, building, natural, synthetic, biological, and ceramic materials)	S
Monument & Similar Product Mfg	S
Portable and temporary hot and cold mix asphalt plants, ready-mix concrete plants, and similar uses.	S

TABLE OF PERMITTED USES & SPECIAL LAND USES	
P = Permitted by right S = Permitted with a Special Use Permit *supplemental development regulations	C
Industrial, Mining & Waste Management (continued)	
Prefabricated Buildings Mfg	S
Printing, Lithographic & Blueprinting	S
Recycling facilities/Resource Recovery Facilities/Transfer Stations/Waste Collection	S
Research/Design/Experimental Product Development (within a completely enclosed building)	S
Sign Painting & Mfg	S
Textile & Apparel Mfg	S
Tin shops or Plumbing Supply Shops	S
Tool & Die Shops	S
Wood Product Mfg (not mills)	S
Miscellaneous	
Accessory Buildings & Uses Incidental to Principal Uses* (\$3.11)	P
Gazebos* (\$3.11)	P
Mixed Uses (Commercial/Residential in one building or on one lot)	P
Planned Unit Developments (\$7.37)	S
Public Facilities	
Government Offices	P
Libraries	P
Police/Fire Stations/Jails	P
Post Office	P
Public Works Facilities with Outdoor Storage	P
Residential Uses	
Dwelling Units in conjunction with a Commercial Establishment	S
Transportation, Storage & Wholesale	
Distribution Centers/Freight Terminals/Trucking Facilities/Shipping Facilities	S
Scenic & Sightseeing Transportation/Ground & Water Passenger Transportation (and Charters)	S
†Self-Storage Facilities/Mini-Storage* (\$7.26)	S
Warehousing, Storage & Wholesale Businesses	P
Utilities & Energy	
Electric Transmission Towers	P
Essential Services	P
Telephone Exchange Buildings	S

†Amended 6/8/21; Effective 6/24/21

1 Purpose & Authority	2 Definitions	3 General Provisions	4 District Regulations	5 Site Plans & Plot Plans
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C. Development Standards.

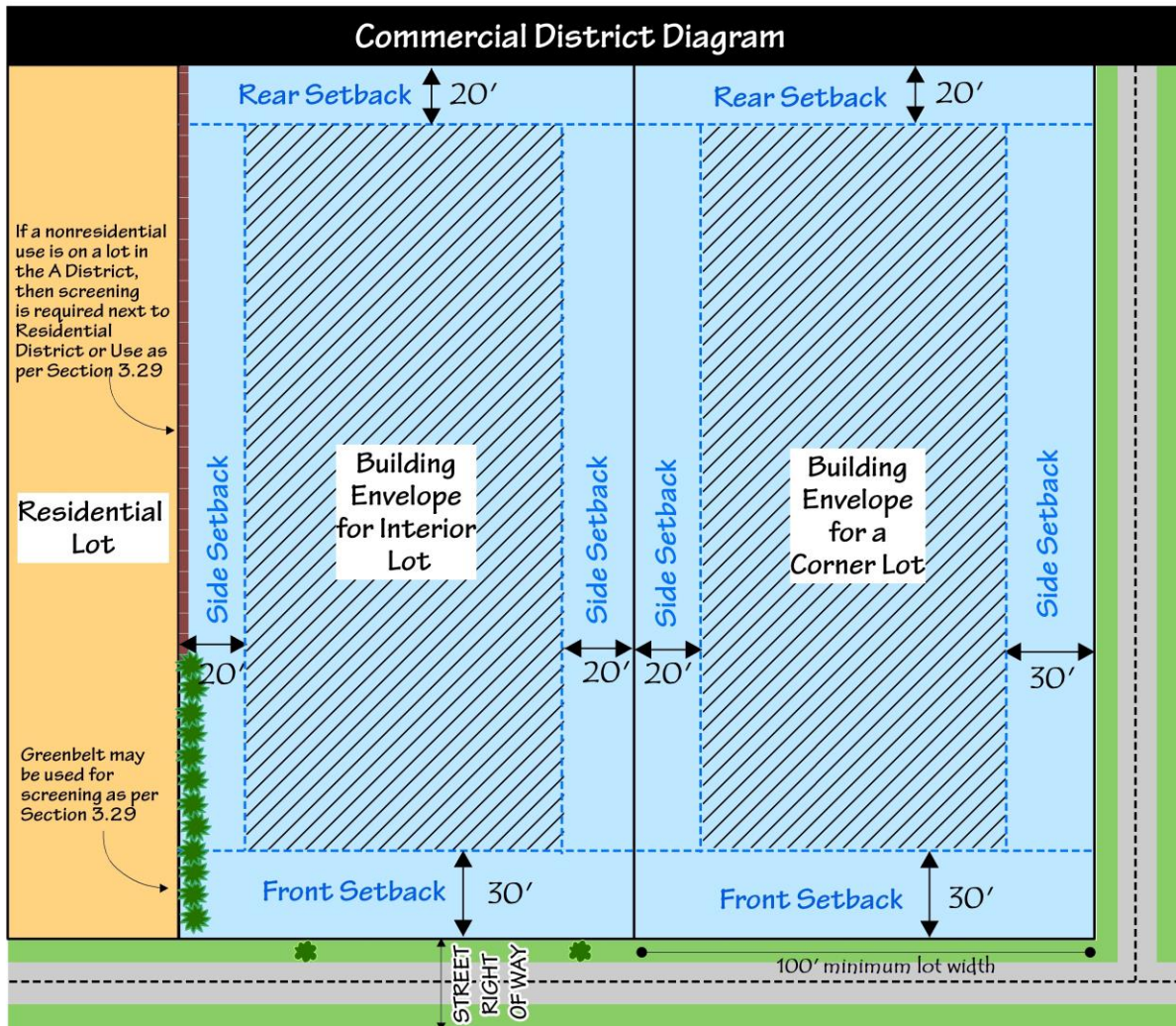
1. Lot & Structure Standards	
a. Lot Area	20,000 sq ft Lot sizes are net. Easements are excluded.
b. Lot Width (min.)	100 ft Width to depth ratio of 1 to 4 will apply for newly established lots. Lake lots are exempted.
c. Building Height (max.)	2 stories or 30 ft
d. Floor Area (min.)	None The minimum floor area per dwelling shall not include area of basements, breezeways, porches, or attached garages.
2. Setbacks (Figure 4.8)	
a. Front (min.)	30 ft
b. Side (min.)	20 ft
c. Side – Streetside (min.)	30 ft
d. Rear (min.)	20 ft
e. Lakefront (min.)	75 ft from mean high water mark but not less than 40 ft if the line of sight provision applies (below). Line of Sight: Where main buildings exist on adjacent lots of lakefront property and they are closer than seventy-five (75') feet minimum front yard setback, the front yard setback will be the line between the two (2) points of the buildings closest to, but not closer than forty (40') feet from the high water mark. If there is a dwelling closer than seventy-five (75') feet, but not closer than forty (40') feet from the high water mark on only one (1) of the lots, the building line of the existing building will be used in determination of the front yard line. The buildings which are used for determining the line of sight shall not be more than three hundred (300') feet apart. To determine line of site, the distance from water of the existing dwelling is measured from the structure corner on the side closest to the lot line of the lot on which a new structure is proposed. All lakefront lots shall be subject to greenbelt requirements. There is no front yard setback for properties fronting the right-of- way of US-23. There is no rear yard setback for properties boarding the right-of-way of US-23.
f. Multiple Dwellings on a Lot	Where more than one detached dwelling unit is located on the same lot, they shall be separated by thirty (30') feet. Each detached dwelling unit shall meet the main building setbacks of the district. See §4.3.E . Minimum yard setbacks (above) apply.

Krakow Township Zoning Ordinance

3. Additional Development Standards

a. Accessory Buildings	Regulated by §3.11.
b. Screening	When a non-residential use abuts a residential use or district, screening is required per §3.28.
c. Fences	Regulated by §3.27.
d. Permitted Yard Encroachments	Regulated by §3.36.
e. Dwelling Regulations	Regulated by §3.31.
e. Parking & Loading	Regulated by §3.34.

Figure 4.8



1 Purpose & Authority	2 Definitions	3 General Provisions	4 District Regulations	5 Site Plans & Plot Plans
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Krakow Township Zoning Ordinance

Section 4.9 I – Industrial District

I

A. Purpose.

This district is intended to encompass uses which are industrial or industrially-related, but whose intensity of operation is not unduly abrasive to adjacent or nearby activities. No area has been designated as industrial district. The soils in the Township preclude the establishment of most industries. If suitable land is obtained, permits for industrial activities will be considered by the Planning Commission on case by case basis.

B. Uses Allowed.

Permitted and Special Land Uses shall be limited to those listed below (also in [Section 4.10: Full Table of Permitted and Special Land 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 LAND USES	
<i>P</i> = Permitted by right <i>S</i> = Permitted with a Special Use Permit *supplemental development regulations	I
Agriculture, Animals & Forest Products	
Agricultural products processing and storage (excluding concentrated animal feeding operations; Grain Elevator)	P
Firewood Sales (Commercial, Large Scale) (does not include small bundles of firewood)	P
Forest Products Processing (Saw Mills, Veneer Mills, Planing Mills & related operations)* (§7.19)	P
Slaughter Houses	S
Communications	
Wireless Communications Support Structures* (§7.11)	S
Small Cell Wireless Facility* (§7.11)	S
Industrial, Mining & Waste Management	
Accessory Uses incidental to Manufacturing (offices, foods services, caretaker buildings)	P
Appliance, Heating, & Ventilation Equipment Mfg	P
Asphalt Mfg	P
Bakeries (not direct to customer)	P
Blast Furnace, Steel Furnace, Blooming or Rolling Mill	P
Central Dry Cleaning Plants & Laundries (not dealing directly with customers)	P
Ceramic Products using Gas- or Electrically-Fired Kilns, and/or Glass Products Mfg	P
Cold Storage Plants	P
Computer, Electronic, & Appliance Product Mfg	P
Concrete, Cement, Gypsum, Plaster of Paris, Corrosive Acid or Alkali Mfg	P

TABLE OF PERMITTED USES & SPECIAL LAND USES	
<i>P</i> = Permitted by right <i>S</i> = Permitted with a Special Use Permit *supplemental development regulations	I
Industrial, Mining & Waste Management (continued)	
Fertilizer, Liquid Nitrogen, & Anhydrous Ammonia Handling	P
Food/beverage processing	P
Food/beverage bottling & packaging	P
Food Hub Facility/Food Incubator Facility	P
Furniture & Related Product Mfg	P
Gas & Oil Processing Facilities/Refinery	P
Incinerator Plant (non-pyrolysis)	P
Incinerator Plant (pyrolysis type/Gasification)	P
Industrial Parks (planned)	P
Junkyards/salvage yards/scrap yards/motor vehicle impoundment and wrecking yards* (§7.7)	P
Laboratories	P
Leather & Allied Product Mfg	P
Machine Shops	P
Meat Packing Plants	P
Metal Plating/Buffing/Polishing/Cutting/Slitting/Shearing	P
Mineral Processing Facilities & Operations	P
Mining/Resource Extraction (incl sand, gravel, rock and mineral extraction)* (§7.13)	S
Miscellaneous Mfg (from previously prepared materials including agricultural, building, natural, synthetic, biological, and ceramic materials)	P

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TABLE OF PERMITTED USES & SPECIAL LAND USES	
P = Permitted by right S = Permitted with a Special Use Permit *supplemental development regulations	I
Industrial, Mining & Waste Management (continued)	
Monument & Similar Product Mfg	P
Paper Product Mfg	P
Petroleum Products, Gas Products, Paint & Chemical Bulk Storage & Distribution	P
Petroleum Refinery	P
Pharmaceutical Preparations, Cosmetics, and Toiletries	P
Plastics Mfg	P
Portable and temporary hot and cold mix asphalt plants, ready-mix concrete plants, and similar uses.	P
Prefabricated Buildings Mfg	P
Printing or forming of box, carton and cardboard products	P
Printing, Lithographic & Blueprinting	P
Recycling facilities/Resource Recovery Facilities/Transfer Stations/Waste Collection	P
Research/Design/Experimental Product Development (within a completely enclosed building)	P
Sign Painting & Mfg	P
Smelting Industries	P
Solar Panels, Wind Generators, and Alternative Energy Systems Mfg	P
Textile & Apparel Mfg	P
Tin shops or Plumbing Supply Shops	P
Tool & Die Shops	P
Wood Product Mfg (not mills)	P

TABLE OF PERMITTED USES & SPECIAL LAND USES	
P = Permitted by right S = Permitted with a Special Use Permit *supplemental development regulations	I
Public Facilities	
Correctional Facilities (Prisons)	P
Transportation, Storage & Wholesale	
Drone (Unmanned Aerial) Centers	P
Distribution Centers/Freight Terminals/Trucking Facilities/Shipping Facilities	P
Truck Repair	P
Truck Washes* (\$7.27)	P
Warehousing, Storage & Wholesale Businesses	P
Utilities & Energy	
Electric Transmission Towers	P
Essential Services	P
Gas Regulator Stations	P
Heating & Electric Power Generating Plants	P
Propane Distributor/Propane Supply Facilities	P
Public Utility Facilities (with storage yards)	P
Solar Energy Facility (Utility-Scale)* (\$7.35)	P
Telephone Exchange Buildings	P
Utility Transformer Stations & Substations	P
Wind Energy Facilities and Anemometer Towers (Commercial)* (\$7.28)	S
Wind Energy Systems (on-site)* (\$7.28)	S

C. Development Standards.

1. Lot & Structure Standards

a. Lot Area	5 acres Lot sizes are net. Easements are excluded.
b. Lot Width (min.)	250 ft Width to depth ratio of 1 to 4 will apply for newly established lots. Lake lots are exempted.
c. Building Height (max.)	3 stories or 45 ft
d. Floor Area (min.)	None

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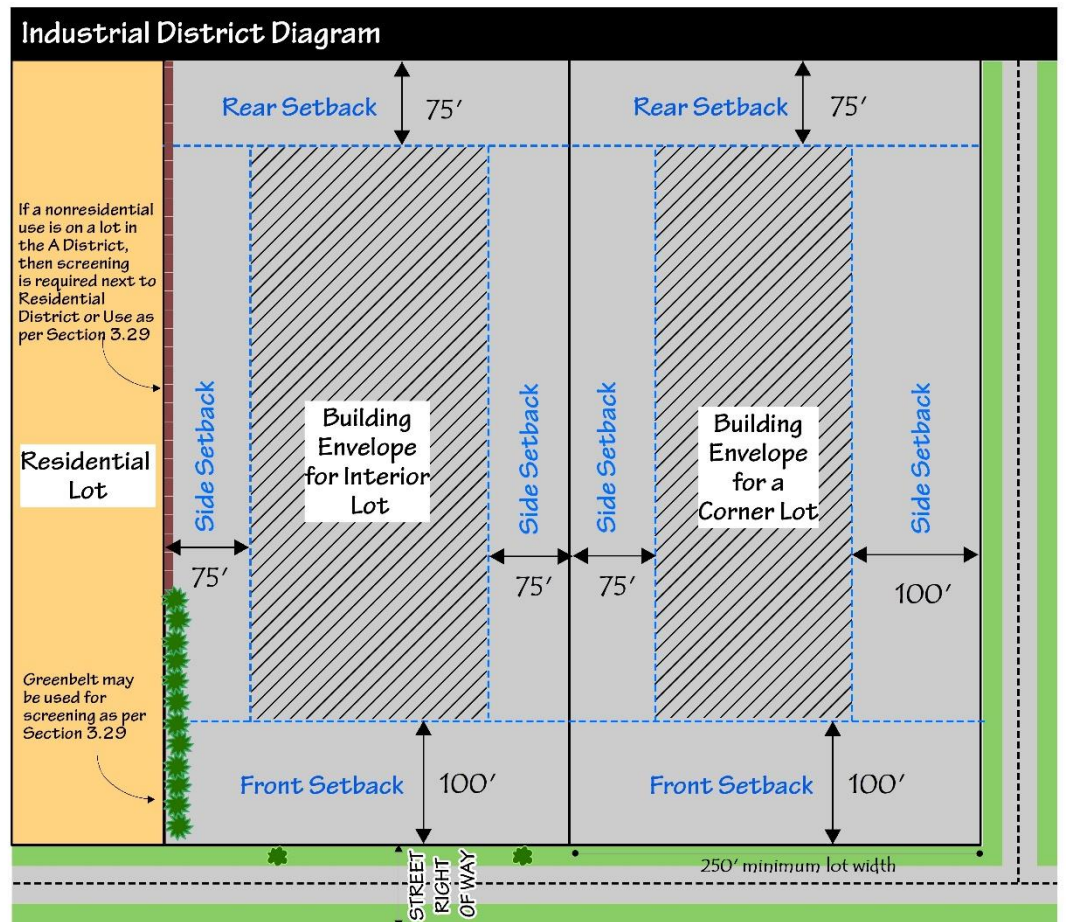
2. Setbacks (Figure 4.9)

a. Front (min.)	100 ft
b. Side (min.)	75 ft
c. Side – Streetside (min.)	100 ft
d. Rear (min.)	75 ft

3. Additional Development Standards

a. Accessory Buildings	Regulated by §3.11.
b. Screening	When a non-residential use abuts a residential use or district, screening is required per §3.28. All structures and activities in Industrial District shall be separated from structures and activities in adjacent districts by a minimum ten (10') feet wide greenbelt and a minimum six (6) feet high fence or wall.
c. Fences	Regulated by §3.27.
d. Permitted Yard Encroachments	Regulated by §3.36.
e. Performance Standards	Appropriate State and Federal environmental control standards shall apply.
f. Visibility	Adequate visibility a minimum of one hundred (100') feet for traffic on major roads shall be insured at all points of ingress and egress on said property.
g. Parking & Loading	Regulated by §3.34.

Figure 4.9



Krakow Township Zoning Ordinance

Section 4.10 Full Table of Permitted & Special Land Uses

Krakow Township Zoning Districts		Land Use Categories	Pg
R-1	Rural Residential District	Accommodation & Food/Event Services	4-30
R-2	Mixed Residential District	Agriculture, Animals & Forest Products	4-31
A	Agricultural District	Arts, Entertainment & Recreation	4-32
FR	Forest/Recreational District	Commercial, Services & Retail	4-33
C	Commercial District	Communications	4-35
I	Rural Residential District	Construction & Contractors	4-35
		Educational Services & Religion	4-35
		Human Care & Social Assistance	4-35
		Industrial, Mining & Waste Management	4-36
		Miscellaneous	4-38
		Public Facilities	4-38
		Residential Uses	4-38
		Transportation, Storage & Wholesale	4-39
		Utilities & Energy	4-39

Table of Permitted Uses & Special Land Uses						
<i>P = Permitted by right S = Permitted with a Special Use Permit *supplemental development regulations</i>	R-1	R-2	A	FR	C	I
Accommodation & Food/Event Services						
Bakeries & Confectioneries					P	
Bars/Taverns					P	
Bed & Breakfasts & Tourist Homes* (§7.33)	S	S	S	S		
Cabin Courts (or Cabin Complex)		S		S		
Caterers/Food Service Contractors					P	
Coffee Shops					P	
Convention Centers/Conference Centers/Banquet Halls/Wedding Venues			S	S	S	
Food Trucks					P	
Hotels, Motels, and Motor Courts (attached or detached units) – NOT TO EXCEED 20 UNITS* (§7.15)					P	
Hotels, Motels, and Motor Courts (attached or detached units) – MORE THAN 20 UNITS* (§7.15)					S	
Inns (Lodging Units within Other Commercial Establishment)			S	S	P	
Microbreweries & Distilleries (serving directly to the public)			S	S	P	
Resorts* (§7.22)		S	S	S		
Restaurants and Delicatessens (without Drive-Through)* (§7.23)					P	
Restaurants with Drive-Through (Drive-In or Eat in Car)* (§7.23)					P	
Rooming Houses/Boarding Houses* (§7.34)		S				
Short Term Rental Homes	P	P	P	P		
Wineries & Cider Mills (including accessory uses such as tasting rooms)			P	P		

- | | | | | |
|----------------------------------|-----------------------------------|----------------------------------|---------------------------------------|----------------------------------|
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Table of Permitted Uses & Special Land Uses						
<i>P = Permitted by right S = Permitted with a Special Use Permit</i> <i>*supplemental development regulations</i>	R-1	R-2	A	FR	C	I
Agriculture, Animals & Forest Products						
Agricultural products processing and storage (excluding concentrated animal feeding operations; Grain Elevator)			P			P
Animal Sales Yards/Auctions for Livestock			P			
Animal Shelter/Animal Rescue Shelter			S			
Agricultural Tourism Businesses (on Farms)			S	S		
Biofuel Production Facilities on Farms* (§7.29)			PS	PS		
Boarding Stables; Riding Arenas			P	P		
Bulk seed, feed, fertilizer and nursery stock outlet and distribution centers (including wholesale)			P		P	
Farming, Domestic; Stables for Horses/Exotic Animals* (§7.25)			P	P		
Farming, Commercial			P	P		
Farm Product Sales (Fruit/Vegetable Market) – not grown on premises			P	P	P	
Farm Market/Roadside stand (sale of product grown on premises)* (§7.24)			P	P		
Firewood Sales (Commercial, Large Scale) (does not include small bundles of firewood)			S	S		P
Forest Products Processing (Saw Mills, Veneer Mills, Planing Mills & related operations)* (§7.19)			S	S		P
Game Preserves/Hunting Preserves			S	S		
Greenhouse; Nursery; Landscaping Establishments* (§7.20)			S		P	
Kennels, Dog* (§7.4)			S	S		
Slaughter Houses						S
Veterinary Clinic/Animal Hospital* (§7.4)			S	S		

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Table of Permitted Uses & Special Land Uses						
<i>P = Permitted by right S = Permitted with a Special Use Permit *supplemental development regulations</i>	R-1	R-2	A	FR	C	I
Arts, Entertainment & Recreation						
Amusement Arcades & Similar Indoor Recreation					P	
Archery Ranges (& as accessory use), Outdoor			P	P		
Archery Ranges (& as accessory use), Indoor			P	P		
Art Galleries & Art Studios	S	S	P	P	P	
Bike Shops					P	
Billiards Halls					P	
Bowling Centers					P	
Campgrounds* (§7.8)				S		
Camps – private outdoor recreational camps (i.e. Summer Camps)				S		
Canoe/Kayak Liveries; Equipment Rental, Non-Motorized (Outfitter)				P	P	
Country Clubs; Swimming Pools Clubs; Tennis Clubs* (§7.14)				S		
†Deer Blinds (maximum Size 100 ft2) – no zoning permit required			P	P		
Fitness & Recreational Sports (ex: health clubs, gym)					P	
Golf Courses & Golf Driving Ranges* (§7.14)				S		
†Hunting Camps - zoning permit required			P	P		
Marinas* (§7.16)		S		S	S	
Museums & Historic sites (Open to the Public)	S	S	S	S	S	
Nature Parks, Nature Areas & Wildlife Preserves	P	P	P	P	P	
Outdoor Performance Facilities			S	S	S	
Outdoor Commercial Recreational Facility (ex – amusement parks; go karts; miniature golf; disc golf; drive-in theaters)* (§7.3)			S	S		
Private Clubs; Lodges; Fraternal Organizations* (§7.21)			P	P		
Public Parks & Playgrounds	P	P	P	P	P	
RV Parks* (§7.8)					S	
Shooting (Firearms) Ranges/Sportsmen's Association			S	S		
Skating Rinks, ice or non-ice (indoor)					P	
Theaters/Performing Arts Facilities					P	
Tours (Commercial Operations)					P	
Zoos & Animal Tours			S	S		

†Amended 6/8/21; Effective 6/24/21

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P = Permitted by right S = Permitted with a Special Use Permit *supplemental development regulations	R-1	R-2	A	FR	C	I
Commercial, Services & Retail						
Automotive Tire Sales & Installation					P	
Automotive Oil Change* (§7.6)					P	
Auto Repair; Auto Body/Paint/Interior & Glass*(§7.6)					P	
Automobile Towing Businesses					S	
Banks/Financial Institutions					P	
Boat/RV/Recreational Equipment Repair & Storage					S	
Building & Garden Equipment & Supplies Dealers					P	
Business Incubator (Food Incubator listed under Manufacturing)					P	
Business Services					P	
Car Washes* (§7.27)					S	
Cash Advance Stores					P	
Cleaning Services					P	
Commercial Equipment Repair & Maintenance					S	
Crematoriums					S	
Drive-Through Establishments (other than restaurant)					P	
Electronic & Precision Equipment Repair & Maintenance					P	
Equipment Rental & Sales					P	
Extermination & Pest Control Services					P	
Film Production Facilities including sound stages and other related activities					P	
Flea Market			S	S	P	
Funeral Homes & Mortuaries* (§7.18)					P	
Furniture Refinishing (Upholsterers)/Furniture Repair			S	S	P	
Gas Stations * (§7.6)					S	
General Rental Centers					P	
Gift Shops			S	S	P	
Health Spa			S	S	P	
Interior Designers/Showrooms					P	
Laundromats & Dry Cleaning & Services					P	
Locksmiths					P	
Lumber Yards (pre-planed, finished lumber)/Building Material Sales					S	
Manufactured Home Dealers					P	
Medical Laboratories					P	
Movie Rental Stores					P	
Offices, Professional					P	
Office Developments					P	
Outdoor display of products/materials for retail sale or rental (accessory to a principle permitted retail use).				S	S	
Outdoor Sales/Rental of automobiles, trucks, motorcycles, ATVs, marine craft, farm implements, contractor's equipment, recreational equipment				S	S	

Amended 6/8/21; Effective 6/24/21

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<i>P = Permitted by right S = Permitted with a Special Use Permit *supplemental development regulations</i>	R-1	R-2	A	FR	C	I
Commercial, Services & Retail						
<i>Pawn Shops</i>					P	
<i>Personal Services (barber/beauty shops, tailoring, massage therapy)</i>					P	
<i>Photofinishing/Photographers</i>					P	
<i>Printing/Binding/Publishing of Print Material</i>			S	S	P	
<i>Recording Studios</i>			S	S	P	
<i>Retail Sales</i>					P	
<i>Retail Sales - Sporting Goods, Hobby, Book & Music Stores</i>			S	S	P	
<i>Seasonal Sales/Transient Sales</i>					P	
<i>Sexually Oriented Businesses* (§7.36)</i>					S	
<i>Small Engine Repair</i>			S	S	P	
<i>Small-Scale Craft Making</i>			S	S	P	
<i>Studios for dance, physical exercise and music</i>			S	S	P	
<i>Taxidermy Shops</i>			S	S	P	

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P = Permitted by right S = Permitted with a Special Use Permit *supplemental development regulations	R-1	R-2	A	FR	C	I
Communications						
Television/Radio Broadcasting Stations (with tower)* (§7.11)					S	
Wireless Communications Support Structures* (§7.11)	S	S	S	S	S	S
Small Cell Wireless Facility* (§7.11)	S	S	S	S	S	S
Construction & Contractors						
Lumber/Building Material Storage Yards					S	
Special Trade Contractors Offices & Showrooms – no outdoor storage (construction, electrical, plumbing, heating, excavation, well-drilling, etc)			S	S	P	
Special Trade Contractors Offices & Showrooms w/ outdoor storage of materials & contractor's equipment (construction, electrical, plumbing, heating, excavation, well-drilling, etc)			S	S	S	
Educational Services & Religion						
Colleges/Universities					S	
Institutions of Specialized Learning & Trade Schools					S	
Public, charter or private schools (elementary through high school)					S	
Religious Institutions & Customary Accessory Uses* (§7.10)	S	S		S	S	
Human Care & Social Assistance						
Adult Day Care Facilities (not in private home)			S	S	S	
Adult Day Care Facilities (in private home) (6 or less adults)	P	P	P	P		
Adult Day Care Facilities (in private home) (7-12 adults)	S	S	S	S		
Adult Foster Care Family Homes (6 or less adults)	P	P	P	P		
Adult Foster Care Small Group Home (7-12 adults)		S	P	P	P	
Adult Foster Care Large Group Home (13-20 adults)			P	P	S	
Adult Foster Care Congregate Facilities (over 20 adults)			S	S	S	
Assisted Living Home/Nursing Home/Convalescent Home* (§7.12)	S		S	S	S	
Child Care Home, Family (6 or less)	P	P	P	P		
Child Care Home, Group (7 -12)	S	S	S	S		
Child Care Center /Nursery School (not in home)* (§7.9)	S	S			P	
Child Caring Institution					S	
Hospitals					S	
Medical Clinics/Dental Clinics* (§7.17)					P	
Opticians					P	
Rehabilitation Institutions; Residential Human Care and Treatment Facility (not in a residence)					S	
State-Licensed Residential Facilities (Adult Foster Care 6 or less)	P	P	P	P		

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Table of Permitted Uses & Special Land Uses						
P = Permitted by right S = Permitted with a Special Use Permit *supplemental development regulations	R-1	R-2	A	FR	C	I
Industrial, Mining & Waste Management						
Accessory Uses incidental to Manufacturing (offices, foods services, caretaker buildings)					P	P
Appliance, Heating, and Ventilation Equipment Mfg					S	P
Asphalt Mfg						P
Bakeries (not direct to customer)					S	P
Blast Furnace, Steel Furnace, Blooming or Rolling Mill						P
Central Dry Cleaning Plants & Laundries (not dealing directly with customers)						P
Ceramic Products using Gas- or Electrically-Fired Kilns, and/or Glass Products Mfg						P
Cold Storage Plants					S	P
Computer, Electronic, & Appliance Product Mfg					S	P
Concrete, Cement, Gypsum, Plaster of Paris, Corrosive Acid or Alkali Mfg						P
Fertilizer, Liquid Nitrogen, & Anhydrous Ammonia Handling						P
Food/beverage processing						P
Food/beverage bottling & packaging					S	P
Food Hub Facility/Food Incubator Facility					S	P
Furniture & Related Product Mfg					S	P
Gas & Oil Processing Facilities/Refinery						P
Incinerator Plant (non-pyrolysis)						P
Incinerator Plant (pyrolysis type/Gasification)						P
Industrial Parks (planned)						P
Junkyards/salvage yards/scrap yards/motor vehicle impoundment and wrecking yards* (§7.7)						P
Laboratories					S	P
Leather & Allied Product Mfg					S	P
Machine Shops					S	P
Meat Packing Plants					S	P
Metal Plating/Buffing/Polishing/Cutting/Slitting/Shearing						P
Mineral Processing Facilities & Operations						P
Mining/Resource Extraction (incl sand, gravel, rock and mineral extraction)* (§7.13)	S	S	S	S	S	S
Miscellaneous Mfg (from previously prepared materials including agricultural, building, natural, synthetic, biological, and ceramic materials)					S	P
Monument & Similar Product Mfg					S	P
Paper Product Mfg						P
Petroleum Products, Gas Products, Paint & Chemical Bulk Storage & Distribution						P
Petroleum Refinery						P
Pharmaceutical Preparations, Cosmetics, and Toiletries						P
Plastics Mfg						P

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P = Permitted by right S = Permitted with a Special Use Permit *supplemental development regulations	R-1	R-2	A	FR	C	I
Industrial, Mining & Waste Management (continued)						
Portable and temporary hot and cold mix asphalt plants, ready-mix concrete plants, and similar uses.					S	P
Prefabricated Buildings Mfg					S	P
Printing or forming of box, carton and cardboard products						P
Printing, Lithographic & Blueprinting					S	P
Recycling facilities/Resource Recovery Facilities/Transfer Stations/Waste Collection					S	P
Research/Design/Experimental Product Development (within a completely enclosed building)					S	P
Sign Painting & Mfg					S	P
Smelting Industries						P
Solar Panels, Wind Generators, and Alternative Energy Systems Mfg						P
Textile & Apparel Mfg					S	P
Tin shops or Plumbing Supply Shops					S	P
Tool & Die Shops					S	P
Wood Product Mfg (not mills)					S	P
Miscellaneous						
Accessory Buildings & Uses Incidental to Principal Uses* (§3.11)	P	P	P	P	P	
Cemeteries including Columbaria and Mausoleums (human or pet)			S			
Family Burial Grounds (on private property)			P			
Gazebos (§3.11)	P	P	P	P	P	
Mixed Uses (Commercial/Residential in one building or on one lot)					P	
Planned Unit Developments* (§7.37)	S	S	S	S	S	
Platted Subdivisions* (§7.39)	S	S	S	S		
Site Condominium Development (§7.38)	S	S	S	S		
Public Facilities						
Correctional Facilities (prisons)						P
Government Offices		S	S	S	P	
Libraries		S	S	S	P	
Police/Fire Stations/Jails		S	S	S	P	
Post Office		S	S	S	P	
Public Works Facilities with Outdoor Storage		S	S	S	P	

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P = Permitted by right S = Permitted with a Special Use Permit *supplemental development regulations	R-1	R-2	A	FR	C	I
Residential Uses						
Accessory Dwelling Units/Guest Houses (Special Use on lakefront lots)* (§7.32)	P	P	P	P		
Cottage Industries* (§7.30)	S	S	S	S		
Home Occupations* (§7.30)	P	P	P	P		
Dwelling Units in conjunction with a Commercial Establishment					S	
Manufactured Housing Community (with accessory uses such as laundry facilities, office building, and community building)* (§7.40)				S		
Multiple-Family Dwelling Units (Apartments)* (§7.5)		S				
Senior Housing* (§7.12)	S		S	S		
Single-Family Detached Dwelling (including earth homes)	P	P	P	P		
Single-Family Attached Dwelling (Townhouses)		S				
Two-Family Dwelling (duplex)	S	P	P	P		
Transportation, Storage & Wholesale						
Air Strips, Landing Fields, Heliports* (§7.2)	S	S		S		
Drone (Unmanned Aerial) Centers			S			P
Distribution Centers/Freight Terminals/Trucking Facilities/Shipping Facilities					S	P
Scenic & Sightseeing Transportation/Ground & Water Passenger Transportation (and Charters)		S		S	S	
Self-Storage Facilities/Mini-Storage* (§7.26)			S	S	S	
Truck Repair						P
Truck Washes* (§7.27)						P
Vehicle Parking & Storage, Seasonal				S		
Warehousing, Storage & Wholesale Businesses				S	P	P
Utilities & Energy						
Electric Transmission Towers	P	P	P	P	P	P
Essential Services	P	P	P	P	P	P
Gas Regulator Stations						P
Heating & Electric Power Generating Plants						P
Propane Distributor/Propane Supply Facilities						P
Public Utility Facilities (without storage yards)			S	S		
Public Utility Facilities (with storage yards)						P
Solar Energy Facility (Utility-Scale)* (§7.35)			S	S		P
Telephone Exchange Buildings			S	S	S	P
Utility Transformer Stations & Substations						P
Wind Energy Facilities and Anemometer Towers (Commercial)* (§7.28)			S	S		S
Wind Energy Systems (on-site)* (§7.28)			S	S		S

†Amended 6/8/21; Effective 6/24/21

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Section 4.11 Schedule of Regulations

A. It is the purpose of zoning to regulate the sizes, bulk, height, and types of uses and structures in various districts to protect the general health, safety, and welfare of residents living within each district. The following Schedule of Regulations stipulates the minimum allowable areas for land and buildings in each district, as defined in this Ordinance. No structure shall be erected, nor shall an existing building be altered or enlarged unless it conforms with the minimum area, and setback requirements and maximum building heights as established for each district in this Ordinance. Nor shall any open space surrounded by structures be encroached upon unless such encroachment is in conformance with the regulations set forth in this Ordinance.

Zoning District	Minimum Lot Size (f)		Maximum Height of Structure (e)		Minimum Yard Setback (d)				Min. Floor Area per Dwelling Unit (b)	Min. Width of Dwelling Unit
	Area	Width (g)	Stories	ft	Front (a)	Sides		Rear (a)		
						Interior	Street			
R-1	1 acre	100'	2	30'	15'	10'	15'	10'	1,000 ft ² (c)	24'
R-2	12,000 ft ² (c)	75'	3	45'	15'	10'	15'	10'	1,000 ft ² (c)	24'
A	15 acres	N/A	3	45'	30'	20'	30'	30'	1,000 ft ²	24'
FR	5 acres	N/A	3	45'	15'	10'	15'	10'	(c)	24'
C	20,000 ft ²	100'	2	30'	30'	20'	30'	20'	N/A	N/A
I	5 acres	250'	3	45'	100'	75'	100'	75'	N/A	N/A

(a) Minimum front yard setback on lakefront lots shall be seventy-five (75') feet from the mean high water mark, but not less than forty (40') feet, if the line of sight provision applies. See district standards for line of sight standards. All lakefront lots shall be subject to greenbelt requirements. There is no front yard setback for properties fronting the right-of-way of US-23. There is no rear yard setback for properties bordering the right-of-way of US-23.

(b) The minimum floor area per dwelling shall not include area of basements, breezeways, porches, or attached garages.

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- (c) In R-1, the minimum floor area for nonconforming lots shall be 600 sq ft. The minimum lot area and floor area per dwelling unit in the R-2 district and minimum floor area per dwelling unit in the F-R district shall be as follows:

Minimum Lot Area and Floor Area per Dwelling Unit in R-2 and F-R		
Dwelling Unit Type	Minimum Lot Area (R-2 only)	Minimum Floor Area
Single-family	12,000 sq. ft.	1,000 sq. ft
Single-family on nonconforming lots	-----	600 sq. ft
Two-family (duplex)	20,000 sq. ft.	1,000 sq. ft
Three-family	24,000 sq. ft.	800 sq. ft
Four-family	24,000 sq. ft.	800 sq. ft
Efficiency apartments	4,000 sq. ft. per apartment	350 sq. ft
One bedroom apartment	4,500 sq. ft. per apartment	500 sq. ft
Two bedroom apartments	5,000 sq. ft. per apartment	700 sq. ft
Three bedroom apartments	5,500 sq. ft. per apartment	800 sq. ft

- (d) Where more than one (1) detached dwelling unit is located on the same lot, they shall be separated by thirty (30') feet. Minimum yard setbacks for such lots shall be on the district they are located in. If the lot is a waterfront lot, Footnote (a) shall apply for the front yard setback.
- (e) See [Section 4.3.D, Application of Height Regulations](#).
- (f) Lot sizes are net. Easements are excluded.
- (g) Width to depth ratio of 1 to 4 will apply for newly established lots. Lake lots are exempted.

Article 5

Site Plans & Plot Plans

Sec	Name	Pg	Sec	Name	Pg
5.1	Purpose & Approval Summary Table	5-1	5.6	Site Plan Review Standards	5-6
5.2	Plot Plans	5-2	5.7	Conformance with Approved Plans & Revocation	5-8
5.3	Site Plans – Circumstances Requiring	5-3	5.8	Amendment to an Approved Site Plan	5-8
5.4	Site Plans Procedures & Approval Process	5-3	5.9	Expiration	5-10
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Section 5.1 Purpose & Approval Summary Table

The purpose of this Article is to specify the documents and/or drawings required to ensure that a proposed land use or development activity is in compliance with this Ordinance, other local ordinances, and State and Federal statutes and regulations. Furthermore, its purpose is to ensure that development taking place within the Township is properly designed, safe, efficient, environmentally sound, and designed in such manner as to protect adjacent properties from substantial adverse impacts.

Table 5.1: Approval Summary Table

Type of Use	Required	Approving Body
1. Single-Family Detached Dwellings, Two-Family Dwellings	Plot Plan	Reviewed and approved by ZA
2. Attached Single-Family Dwellings (townhomes)	Plot Plan	Reviewed and approved by ZA
3. Home Occupations	Plot Plan	Reviewed and approved by ZA
4. Accessory Dwelling Units	Plot Plan	Reviewed and approved by ZA
5. Dwelling Units above/to the rear of Commercial Establishments	Site Plan	Reviewed and approved by ZA
6. Special Land Uses (except residential)	Site Plan	Reviewed/approved by PC - public hearing per §9.6 .
7. Parking Lots (not part of a site plan per #14 below)	Site Plan	Reviewed and approved by ZA
8. Change of Type of Use or Occupancy	Plot Plan	Reviewed and approved by ZA
9. Accessory Structures for Single- and Two-Family Dwellings	Plot Plan	Reviewed and approved by ZA
10. Accessory Structures for all other Buildings	Site Plan	Reviewed and approved by ZA
11. Farm Outbuildings	Plot Plan	Reviewed and approved by ZA
12. Fences	Plot Plan	Reviewed and approved by ZA
13. Signs	Plot Plan	Reviewed and approved by ZA
14. New Commercial, Industrial, Utility & Institutional Structures/Uses.	Site Plan	Reviewed and approved by PC
15. Expansion of an existing use, other than single-family and two-family dwellings, which increases the existing floor area more than 25%.	Site Plan	Reviewed and approved by ZA with ZA's option to require approval by the PC for complex plans.
16. Multiple-family dwelling units ; Manufactured Housing Communities	Site Plan	Reviewed and approved by PC.
17. Planned Unit Developments & Site Condominium Projects	Site Plan	Reviewed/approved by PC - public hearing per §9.6 .
18. Private Roads	Site Plan	Reviewed and approved by ZA
19. Rezoning Requests	Site Plan	Reviewed by PC. Approved by TB
20. Food Trucks	Plot Plan	Reviewed and approved by ZA

PC = Planning Commission ZA = Zoning Administrator TB = Township Board

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Section 5.2 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 their agent from preparing their own plans and specifications, provided the same are clear and legible. The application shall be filed in triplicate and accompanied by a written statement and dimensioned plats or plans drawn to scale showing the following:

Table 5.2: Plot Plan Requirements

1. Address/Contact	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.
2. Lot Lines	The actual shape, dimensions, location, and description of the parcel.
3. Structures	The shape, size, location, and dimensions of all buildings and structures to be constructed, altered, and of any buildings currently existing on the parcel.
4. Access	The location and configuration of the lot access and driveway, drawn to scale.
5. Use	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.
6. Natural Features	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.
7. Signature	The signature of the fee holder owner of the premises concerned.
8. Other	Other such information concerning the premises or adjoining property as is deemed necessary by the Zoning Administrator to properly enforce the requirements of the Ordinance.

B. Plot Plan Administrative Procedure.

Plot plans are reviewed and approved according to the approval table in [Section 5.1](#) after an application has been submitted and applicable fees have been paid. The Zoning Administrator will issue a zoning permit pursuant to [Section 9.2](#) after determination that the application and proposed activity are in compliance with all applicable sections of this Ordinance.

Two (2) copies of the application shall be returned to the applicant by the Zoning Administrator. If the application does not conform to the Ordinance, all copies shall be marked as disapproved and signed by the Zoning Administrator. One (1) copy shall be retained and maintained on file by the Zoning Administrator for public inspection upon request during normal business hours.

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Section 5.3 Site Plans – Circumstances Requiring

The proper development of a community requires that various uses within any district be as compatible as possible. There are, however, certain types of activities and structures which, because of size or the amount of traffic generated or attracted under normal use, lend themselves to potential conflict with surrounding uses. It is the responsibility of the Planning Commission to provide procedures to ensure that the Township develops in accordance with the general intent of this Ordinance. Site plans are required as indicated in [Table 5.1](#).

Section 5.4 Site Plans Procedures & Approval Process

A. Pre-Application Meeting.

The Zoning Administrator, Planning Commission Chair, and/or Planning Commission, or any combination thereof, 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 of 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.

B. Number of Copies and Timing.

All site plans required as stated within this Ordinance shall be submitted by the petitioner (property owner or designated agent) to the office of the Zoning Administrator, in triplicate, at least thirty (30) days prior to the Planning Commission meeting at which the site plan will be considered.

C. Review for Completeness.

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.

D. Coordination with Other Agencies.

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

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1. The [Presque Isle County Building Department](#)
2. The [Presque Isle County Soil Erosion and Sedimentation Control Officer](#)
3. The [Presque Isle County Drain Commissioner](#)
4. The [Presque Isle County Road Commission](#) and, if appropriate, the [Michigan Department of Transportation](#)
5. [District Health Department](#)
6. [Michigan Department of Natural Resources](#)
7. Local fire and ambulance service providers
8. Other agencies as deemed appropriate.

E. Application Fees.

Application fees as determined pursuant to [Section 9.3](#) of this Ordinance shall be paid when the application and site plan are submitted to cover the estimated review costs.

F. Site Plans Requiring ZBA Action.

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

G. Planning Commission Action.

1. The Planning Commission may 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, any applicable supplemental development standards listed in [Article 7](#), and the site plan review standards listed in [Section 5.6](#).
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 final 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 by the Zoning Administrator.

H. Conditions.

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

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I. Performance Guarantee.

The Planning Commission may require an applicant to provide a performance guarantee in connection with the approval of a final site plan, pursuant to [Section 9.4](#) 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) copy shall be made part of the Township’s permanent record of proceedings on the site plan.

K. Appeal.

The decision of the Planning Commission may be appealed by the property owner, or his or her designated agent, to the Zoning Board of Appeals. Request for appeal may be made by written letter from the applicant to the Chairman of the Board of Appeals within thirty (30) days of disapproval, approval by modification, or revocation of the site plan by the Planning Commission.

Section 5.5 Site Plan Data Required

Each site plan submitted shall contain the following information. The Zoning Administrator may waive any or all of the below site plan requirements, when it finds those requirements are not applicable to the proposed development.

Table 5.5: Site Plan Requirements

A. Contact Info	The name and address of the property owner, and of the prospective owner, if applicable.
B. District	The existing zoning district in which the site is located and, in the case of a request for a zoning change, the classification of the proposed new district.
C. Map Info	The date, north arrow, scale, and name of individual or firm responsible for preparing said plan. The scale must be at least one (1”) inch = twenty (20’) feet for parcels under three (3) acres and at least one (1”) inch = seventy-five (75’) feet for parcels of three (3) acres or more.
D. Lot Lines	The boundary lines of the property to include all dimensions.
E. Structures Proposed	The location of all structures on the site, including storage and waste disposal facilities, proposed drives, walkways, signs, exterior lighting, parking (show the dimensions of a typical parking area), loading and unloading areas, common use areas, and recreational areas and facilities.
F. Rights-of-Way	The location and widths of all abutting rights-of-way (streets, alleys, or easements).
G. Natural Features	The location of unusual environmental features, such as streams, wetlands, shorelines, flood plains, etc.
H. Nearby Structures	The location and identification of all existing structures within a two hundred (200’) foot radius of the site.
I. Landscaping	The location of all existing and proposed landscaping as well as all existing and proposed fences or walls.

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J. Storage	Outdoor storage areas and snow storage areas.
K. Use	<ol style="list-style-type: none"> 1. A location sketch of the proposed use or structure. 2. Hours of operation. 3. Gross acreage of development. 4. Total usable floor area. 5. Information on hazardous materials used or stored on the site.
L. Units/Elevations	<p>A summary schedule and views should be affixed to site plans for proposed structures in applicable residential and commercial districts, giving the following information:</p> <ol style="list-style-type: none"> 1. The number of dwelling units proposed, by type, including a typical floor plan for each type of unit. 2. The residential area of the proposed units in square feet as well as area dimensions of driveways and staging areas. 3. Typical elevation drawings of the front and rear of each building.
M. Contours	For multiple family and mobile home park developments, the contour intervals of the topography of the existing and finished site shall be shown. Where the existing slope on any part of the building site is ten percent or greater, such contour shall be shown at height intervals of five feet.

Section 5.6 Site Plan Review Standards

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

A. Compliance with District Requirements.

The site plan shall comply with the district requirements for minimum floor space, height of structures, lot size, yard space, and all other requirements as set forth in the Zoning Ordinance, unless otherwise provided.

B. Public Welfare and Adjoining Properties.

The development project proposed will not adversely affect public health, safety, or welfare. Uses and structures located on the site shall take into account the size of the property, uses on the adjoining property, and the relationship and size of buildings to the site. The site shall be developed so as not to impede the normal, orderly, and reasonable development or improvement of surrounding property for uses permitted in this Ordinance nor to diminish the value thereof and will be harmonious in use, appearance, and layout with existing and planned future uses in the immediate area.

C. Light, Air, and Access.

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The location, size, and height of the structures, walls, and fences shall be such that there is adequate open space so as to provide light, air, and access to the persons occupying the structures and that there will be no interference with adequate light, air, and access to adjacent lands.

D. Natural Landscape.

The landscape shall be preserved in its natural state, insofar as practical, by minimizing tree and soil removal and by topographic modifications which result in smooth natural appearing slopes as opposed to abrupt changes in grade between the project and adjacent areas.

E. Drainage.

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

F. Visual and Sound Privacy.

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

G. Circulation.

1. Circulation systems shall be designed to promote safe and efficient traffic operations within the site, at ingress/egress points, and at intersections.
2. There shall be provided a pedestrian circulation system, which is insulated as completely as reasonably possible from the vehicular circulation system.
3. Vehicular and pedestrian circulation shall be well defined.

H. Emergency Vehicle Access.

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

I. Access.

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

J. Loading, Storage Areas, and Snow Storage.

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1. All loading and unloading areas and outside storage areas, including areas for the storage of trash, which face or are visible from residential districts or public thoroughfares, shall be screened by a vertical screen consisting of structural or plant materials no less than six (6') feet in height.
2. Adequate snow handling measures shall be planned for and proper snow storage areas shall be provided.

K. Lighting.

Exterior lighting shall be arranged to be compliant with [Section 3.32 Lighting](#).

L. Other Regulations.

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

Section 5.7 Conformance with Approved Plans & Revocation

A. Conformance.

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

B. Revocation.

If the Planning Commission shall find that the conditions and stipulations of an approved site plan are not being adhered to, the Planning Commission shall give notice to the applicant of its intent to revoke the prior approval given to the site plan. Intent to revoke shall be made known to the applicant by a registered letter sent to the applicant and signed by the Chairman of the Planning Commission. Said letter shall be posted so that it is received by the applicant ten (10) days to the stated date of revocation and shall contain the reasons for revoking the site plan approval. On date of revocation, all work shall cease. If the applicant notifies the Planning Commission within ten (10) days of the receipt of the above letter of his or her intent to rectify the violation, the Planning Commission, through official action, may defer the revocation.

Section 5.8 Amendment to an Approved Site Plan

All improvements shall conform to the approved site plan. It shall be the responsibility of the applicant to notify the Zoning Administrator of any requested changes prior to such change being made. The Zoning Administrator shall have the authority to determine if a proposed change requires an amendment to an approved site plan. The Zoning Administrator may approve minor changes in an approved site plan, provided that a revised site plan drawing(s) be submitted showing such minor changes, for purposes of

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record. Even if determined to be a minor change, the Zoning Administrator may refer changes to the Planning Commission for their approval. Requested changes shall not violate the regulations contained within this Ordinance.

A. Determination of Minor Changes to a Site Plan.

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

1. Changes in floor plans that do not exceed twenty-five (25%) percent of the total floor area or five hundred (500 ft²) square feet, whichever is less, and which do not alter the character of the use or increase the amount of required parking.
2. Alterations to vertical elevations by up to twenty-five (25%) percent.
3. Movement of a building or buildings by no more than ten (10') feet.
4. Reduction of the size of any structure and/or sign.
5. Improvements to site access or circulation, such as inclusion of deceleration lanes, boulevards, curbing, pedestrian/bicycle paths, etc.
6. Internal re-arrangement of the parking lot which does not affect the number of parking spaces by more than ten (10%) percent or alter access locations or design.
7. Relocation of sidewalks and/or refuse storage stations.
8. Changes of building materials to another of higher quality, as determined by the Zoning Administrator.
9. Landscaping approved in the site plan that is replaced by similar landscaping to an equal or greater extent.
10. Changes that will preserve the natural features of the site without changing the basic site layout.
11. Change type and design of lighting fixture provided an engineer or architect certifies there will be no change in the intensity of light at the property boundary.
12. Changes required or requested by the Township or other State or Federal regulatory agencies in order to conform with other laws or regulations provided the extent of such changes does not alter the basic design and character of the site plan, nor any specified conditions imposed as part of the original approval and provided that such changes conform to the regulations contained in this Ordinance.

B. Revised Site Plan with Minor Changes.

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

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C. Amendment to Site Plan – Major.

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

Section 5.9 Expiration

The approved zoning permit shall expire if the building permit has not been obtained within a period of one (1) year from the date of issuance. Thirty (30) days prior to expiration of an approved site plan, an applicant may make application to the Planning Commission for a one (1) year extension of the site plan approval. The Planning Commission shall grant the requested extension for this additional one (1) year if it finds good cause for the extension.

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Article 6

Special Land Use Review

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Section 6.1 Purpose

Special Land 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 Land Uses. Special Land Uses shall be subject to all general provisions and [Article 7: Supplemental Regulations](#) of this Ordinance as well as to the provisions of the zoning district ([Article 4](#)) where it is located. Each use shall be considered on an individual basis.

Section 6.2 Special Land Use Review Procedures

A. Application Submittal.

1. Application shall be submitted through the office of the Zoning Administrator, to the Planning Commission, on a special form provided for that purpose and shall be accompanied by the fee, pursuant to [Section 9.3](#), prescribed in the Fee Schedule adopted by the Township Board.
2. **Timing of Submittal.** Special Land Use Applications shall be submitted at least forty-five (45) days prior to the Planning Commission meeting at which the site plan will be considered. A special Planning Commission meeting may be held at the request of the applicant provided that the application is submitted at least thirty (30) days prior to the requested Special Planning Commission meeting and that any applicable special meeting fees are paid in advance by the applicant.
3. **Plot Plan or Site Plan Required.** In addition to a complete application form, the applicant is required to submit a plot plan for Residential Special Land Uses in accordance with [Section 5.2](#) and a site plan for Non-Residential Special Land Uses prepared in accordance with [Section 5.4](#) and [Section 5.5](#). Incomplete submittals shall not be accepted by the Zoning Administrator. The Zoning Administrator may waive the requirement for a plot plan or site plan if he/she finds that the plot plan/site plan requirements are not applicable to the proposed Special Land Use.

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B. Application Processing.

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

C. Public Hearing.

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

D. Planning Commission Action.

1. The Planning Commission may approve, or approve with conditions, an application for a Special Land Use only upon a finding that the proposed Special Land use complies with

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all applicable provisions of this Ordinance, standards listed in [Section 5.6](#), and the standards listed in [Section 6.3](#).

2. The Planning Commission’s decision shall be in writing and shall include findings of fact, based on evidence presented on each standard.
3. Approval, by the Planning Commission, of a Special Land Use authorizes issuance of a zoning permit.
4. If the Special Land Use is disapproved by the Planning Commission, notification of such disapproval shall be given to the applicant within ten (10) days after such Commission action by the Zoning Administrator. The reasons for denial shall be stated in such notice.

E. Conditions.

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

F. Performance Guarantee.

The Planning Commission may require an applicant to provide a performance guarantee in connection with the approval of a final plot or site plan, pursuant to [Section 9.4](#) of this Ordinance.

G. Signed Copies of an Approved Site Plan or Plot Plan.

If approved by the Planning Commission, two (2) copies of the site or plot plan shall be signed and dated by both the applicant and Zoning Administrator or Planning Commission Chair. One (1) signed and dated site or plot plan shall be provided to the applicant and one (1) copy shall be made part of the Township’s permanent record of proceedings on the site or plot plan.

H. Appeal.

The decision of the Planning Commission concerning a Special Land Use may not be appealed by the property owner, or his or her designated agent, to the Zoning Board of Appeals.

I. Conformance.

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

J. Amendment to an Approved Special Land Use.

Minor amendments to a previously-approved Special Land Use may be approved by the Zoning Administrator with no public hearing or public hearing notice required. Minor amendments are listed

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in [Section 5.8](#). Amendments which are not classified as minor in accordance with [Section 5.8](#) shall be processed in the same manner as a new Special Land Use.

Section 6.3 Special Land Use Review Standards

In reviewing the Special Land Use, the Planning Commission shall determine whether the proposed Special Land Use meets the standards listed below as well as all other applicable standards contained within this Ordinance including supplemental development standards related to specific uses in [Article 7](#).

A. Allowed Special Land Use.

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

B. Compatibility with Adjacent Land Uses.

1. The proposed use subject to a Special Land Use permit shall be designed, constructed, operated, and maintained so as not to diminish the opportunity for surrounding properties to be used and developed as zoned.
2. The proposed Special Land Use will not involve uses, activities, processes, materials, or equipment that will create a substantially negative impact on other properties in the areas by reason of traffic, noise, smoke, fumes, glare, odors, or the accumulation of scrap material that can be seen from any public road or seen from any adjacent land owned by another person.

C. Public Services.

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

D. Transportation System.

The location and design of the proposed Special Land 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.

E. Compatibility with Natural Environment.

The proposed Special Land 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.

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F. Compliance with Specific Standards.

The proposed Special Land Use complies with all applicable specific standards listed in [Article 7: Supplemental Regulations](#).

Section 6.4 Inspection

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

Section 6.5 Expiration, Suspension or Revocation of a Special Land Use

A. Expiration of Special Land Use Permit.

Any approved Special Land Use shall become invalid if the approved Special Land Use is not commenced within one (1) year after the zoning permit is issued. Thirty (30) days prior to expiration of an approved Special Land Use permit, an applicant may apply to the Planning Commission for a one (1) year extension of the Special Land Use permit. The Planning Commission shall grant the requested extension for an additional one (1) year if it finds good cause for the extension and that the zoning regulations governing the Special Land Use approval have not changed since the approval.

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

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

C. Abandonment of Special Land Use.

The Special Land Use permit shall expire if the Special Land 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 Land 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 Land Use have been removed.
4. Whether equipment or fixtures necessary for the operation of the Special Land Use have been removed.

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5. Other information or actions that evidence an intention on the part of the property owner to abandon the Special Land Use.

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

A Special Land 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 Land Use Suspension or Revocation.

The Zoning Administrator may suspend or revoke a Special Land 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 and is in violation of any of the provisions of this Ordinance or of any other ordinances or regulations of the Township.

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Supplemental Regulations

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7.2	Airstrips & Landing Fields	7-2	7.22	Resorts (four or more units)	7-15
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Section 7.1 Purpose

The following uses permitted by right or by Special Land Use approval (marked with an asterisk "*" in [Section 4.10 Full Table of Permitted and Special Uses](#) and use tables in [Article 4](#)), in conformance with the districts and regulations set forth in this Ordinance, shall be allowed only if they conform to the following standards for site design. However, if in any particular case, the Planning Commission or Board of Appeals deems these standards to be inapplicable, the Planning Commission or Board of Appeals may, by a two-thirds (2/3) majority, waive part or all of the following requirements.

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Section 7.2 Airstrips & Landing Fields

- A. Privately owned and maintained noncommercial aircraft landing strips, if situated more or less parallel to a public road, shall be set back from such road for a minimum distance of seventy-five (75') feet. Where a privately owned landing strip is situated more or less perpendicular to a public road, such landing strip shall be separated from said road by a distance of at least one hundred (100') feet.
- B. All privately owned and maintained aircraft landing strips shall be at least two hundred (200') feet from the nearest residential dwelling unit and at least one-hundred fifty (150') feet from all other buildings not designed as accessory structures for said aircraft landing field.
- C. All other aircraft landing fields or airports must conform to applicable Federal and State regulations and be approved by appropriate Federal and State agencies prior to submit of a site plan to the Planning Commission.
- D. Off-street parking facilities, in conformance with [Section 3.34](#), shall be maintained.
- E. All structures on the lot on which said airport or aircraft landing field is located shall also conform to the standards set forth in its applicable zoning district.

Section 7.3 Amusement Parks

- A. The minimum lot size shall be five (5) acres.
- B. The lot shall be so situated as to abut a major thoroughfare on one side.
- C. No amusement facility or activity shall be located within two hundred and fifty (250') feet of a residential dwelling.
- D. The entire premises shall be surrounded by a six (6') foot high wall, fence, or similar barrier.
- E. Any amusement park facility located within five hundred (500') feet of a residential dwelling shall be open for business not earlier than 9 a.m. and not later than 10 p.m.

Section 7.4 Animal Hospitals & Kennels

- A. Minimum setbacks for the main structure shall be fifty (50') feet in the front, fifty (50') feet on each side, and one hundred (100') feet in the rear.
- B. Appropriate ingress and egress and off-street parking shall be maintained in accordance with [Section 3.34](#).
- C. Outdoor animal enclosures shall be screened from adjacent properties and/or roads with a wall, opaque fence, or an evergreen buffer at least six (6') feet in height.

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- D. All principal use activities shall be included within an enclosed main building.
- E. Where the kennel is operated as an accessory use to a residence, the home occupation requirements of this Ordinance shall apply.
- F. Where the kennel is operated as the principal use of a property, it shall occur only in those districts where specifically listed.
- G. Animals shall be confined within a building or in a fenced area to preclude their approaching nearer than five hundred (500') feet to any dwelling on adjacent premises.
- H. The facility shall be so constructed and maintained that odor, dust, noise or drainage shall not constitute a nuisance or hazard to adjoining premises.

Section 7.5 Apartments (Multiple-Family Dwellings)

- A. Ingress, egress, and off-street parking facilities shall conform to the standards set forth in [Section 3.34](#).
- B. The lot on which an apartment is situated shall abut, at least on one (1) side, a major thoroughfare.
- C. Where an apartment dwelling is located adjacent to a commercial, industrial, or single-family residential lot, the greenbelt and protective screening requirements of [Section 3.28](#) shall be adhered to.
- D. An apartment building may exceed the maximum dwelling height of the District in which it is located. Where an apartment dwelling exceeds this maximum height, for every one (1') foot of excess height, one (1') foot of additional set back on all sides shall be required.
- E. Vehicular access to the rear of the site for the provision of services shall be required.
- F. Trash and garbage collection facilities shall be located to the rear of the lot on which the apartment building is located.

Section 7.6 Automobile Service Stations, Automobile Repair Garages, Gas Stations, Gas/Convenience Stores

- A. The minimum lot size shall be fifteen-thousand (15,000 ft²) square feet for a service station or automobile repair garage and twelve-thousand (12,000 ft²) square feet for a gas station.
- B. Minimum lot width shall be one hundred and twenty (120') feet for a service station or automobile repair garage and one hundred (100') feet for a gas station or gas/convenience stores.
- C. An automobile service station building, automobile repair garage, or main building for a gas station shall be located not less than forty (40') feet from the street right-of-way or less than

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twenty-five (25') feet from the side or rear lot line of any adjoining residential property or less than ten (10') feet from the side or rear lot line of adjoining commercial or industrial property.

- D. No ingress or egress to an automobile service station, automobile repair garage, or gas station shall be closer than twenty-five feet (25') from any intersection or residential property line abutting the property on which such facility is located.
- E. The entire lot, excluding those areas occupied by a building and landscaped areas, shall be hard-surfaced with concrete or a plant-mixed bituminous material.
- F. All lubrication equipment, hydraulic hoists, and pits shall be completely enclosed within a building. All gasoline pumps shall be located not less than twenty-five (25') feet from any lot line and shall be arranged so that motor vehicles may be provided easy egress and ingress to and from the adjoining street and so that no portion of the vehicle, while it is stopped for service, shall overhang onto a sidewalk, curb, street, or public right-of-way.
- G. When adjoining residential property, a masonry wall which is a minimum of six (6') feet in height, shall be constructed parallel to the property line of such residential property. All masonry walls shall be protected by a fixed curb or other barrier to prevent vehicular contact.
- H. All outside storage areas for trash, used tires, auto parts, and similar items shall be enclosed by five (5') foot high masonry wall. Outside storage or parking of disabled, wrecked, or partially dismantled vehicles shall be allowed for a period not to exceed fifteen (15) days.
- I. The property on which the automobile service station, automobile repair garage, or gas station is located shall be no closer than five hundred (500') feet from a vehicular entrance or exit to a hospital, library, museum, public or private school, playground, church, or park.
- J. All exterior lighting, including signs, shall be hooded or shielded so that glare shall be shielded from the view of adjacent properties.
- K. On a corner lot, both street frontage sides shall conform to all applicable front yard regulations of this Ordinance.

Section 7.7 Automobile Wrecking & Storage Yards

- A. The minimum lot size shall be ten (10) acres.
- B. There shall be minimum side and rear yard setback of at least twenty-five (25') feet.
- C. The property on which such auto wrecking and storage yard is located shall be surrounded by a masonry wall a minimum height of twelve (12') feet. Such wall shall be made of a material designed to block the view of the yard from passersby and shall be maintained in a neat appearance.

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- D. The wall adjacent to a street shall be set back at least twenty (20') feet from the street right-of-way line.
- E. The surface, exclusive of buildings, shall be paved with concrete or bituminous material, oiled, watered, or treated so as to minimize dust and seepage of chemicals into surface or subsurface waters.

Section 7.8 Campgrounds & Travel Trailer (RV) Parks

- A. The minimum lot size shall be at least ten (10) acres.
- B. Each campsite or travel trailer/RV site shall have direct vehicular access.
- C. Each campground or travel trailer/RV park shall contain at least one (1) sanitary facility for each ten (10) campsites or travel trailer/RV sites. A sanitary facility shall have at least one (1) toilet.
- D. Running water shall be made available within the campground or travel trailer/RV park.

Section 7.9 Child Care Centers & Nursery Schools

- A. Nursery school and child care centers of preschool age shall provide a lot area of at least five hundred (500 ft²) square feet for each child enrolled.
- B. The outdoor play area shall be suitably fenced and screened by a heavily planted greenbelt adjacent to abutting properties.
- C. No dormitory facilities will be permitted.

Section 7.10 Religious Institutions (Churches)

- A. The minimum lot area shall be five (5) acres.
- B. The minimum lot width shall be one hundred and fifty (150') feet.
- C. A church may exceed the maximum height of the District in which it is located. For every one (1') foot of height (excluding the spire) above the maximum building height allowable for the district in which said church is located, an additional one (1') foot setback on all sides of the main structure shall be required.
- D. Proper vehicular ingress, egress, and off-street parking requirements shall be maintained according to [Section 3.34](#).
- E. The greenbelt and protective screening requirements of [Section 3.28](#) shall be adhered to.

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Section 7.11 Wireless Communications

A. Uses Allowed.

1. **Collocation - Permitted Use.** Pursuant to Section 3514 of [2006 PA 110, as amended \(Michigan Zoning Enabling Act\)](#), being MCL 125.3101 et.seq.), collocation of wireless communications equipment is a permitted use of property.
 - a. No antenna or similar sending/receiving devices appended to a tower, following its approved construction, shall be permitted if it exceeds the engineered design capacity of the tower thereby jeopardizing the tower’s structural integrity.
 - b. 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.
2. **New Wireless Communications Support Structure (also called “Tower”).** New support structures are a Special Land Use in A, FR, and C Districts and shall be evaluated using the procedures stated in [subsection C](#) below using the standards stated in [subsection D](#).

B. Uses Exempted (Single-Use Towers and Masts).

Antenna towers and masts erected and operated as a residential or commercial accessory use serving only that property (such as but not limited to Amateur Radio Service Station Antenna and other “customer end” devices covered by 47 CFR Section 1.4000) are exempt from this Section. An amateur radio service station antenna structure and other such wireless structures may be erected at the minimum heights and dimensions sufficient to accommodate amateur radio service communications and other such wireless transmissions. See [Over-the-Air Reception Devices \(47 CFR Section 1.4000\)](#). Single-use tower and masts shall comply with all FCC rules and regulations in effect at the time they are erected. Property owners who erect single-use towers and masts shall notify the Township prior to erecting such a tower. This exemption does not cover antennas used to transmit signals to and/or receive signals from multiple customer locations.

C. Approval Procedure.

1. An application for Special Land Use approval of wireless communications support structures shall include all information required by [Section 5.5: Site Plan Data Required](#) including a - c below.
 - a. **Ownership.** The applicant shall provide documentation to the Planning Commission that clearly establishes the legal ownership of the tower. The applicant, its agents, successors, and assigns shall report to the Planning Commission any changes in the legal ownership of the tower within thirty (30) days of the effective date of the change.

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- b. **Visual Impact Analysis.** The applications for Special Land Use permit for the tower shall include a visual impact analysis prepared by the applicant, which includes graphic depiction of the 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 Planning Commission during its first consideration of the application for Special Land Use permit before the public hearing. The Planning Commission may waive this requirement.
 - c. **Collocation.** Whether or not it is feasible to provide equivalent services by locating the antenna on an existing tower or other existing structure in the Township or on an existing tower or other existing structure located in neighboring communities.
2. After an application for a Special Land 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.
 3. If, before the expiration of the fourteen (14) day period under [subsection C.2](#), the Zoning Administrator notifies the applicant that the application is not administratively complete, specifying the information necessary to make the application administratively complete, or notifies the applicant that a fee required to accompany the application has not been paid, specifying the amount due, the running of the fourteen (14) day period under [subsection C.2](#) is tolled until the applicant submits to the body or official the specified information or fee amount due. The notice shall be given in writing or by electronic notification.
 4. The Planning Commission shall approve or deny the application not more than ninety (90) days after the application is considered to be administratively complete. If the Planning Commission fails to timely approve or deny the application, the application shall be considered approved and the Planning Commission shall be considered to have made any determination required for approval.

D. Standards for New Support Structures.

1. **Height.**
 - a. **Height.** A cellular phone or other personal and business communication services antenna tower shall be exempt from building height limits established by zoning district regulations.
 - b. **Height Decrease.** If the height required for the tower to serve its intended function decreases from such height as installed due to technical advancement, additional tower installations at other locations, or other factors, the Township may order that the tower be lowered to such decreased minimum height.
2. **Tower Setback.** The tower shall be setback a distance at least equal to the height of the tower measured from the base of tower to all points on each property line. The tower and any

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supporting or appurtenant structures shall be no closer to any building, which is regularly occupied by people and which is located on the same property as the tower, than the distance equal to the height of the tower measured from its base at grade to its highest point. A fence not less than six (6') feet in height with anti-climb features shall be constructed around the base of the tower.

3. **Visual Impact.** The tower and any ancillary building or buildings housing equipment needed for operation of the tower 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.
4. **Guy Cables and Anchors.** Guy cables and anchors shall comply with applicable zoning district setback requirements.
5. **Lighting.** The applicant shall provide documentation of any lighting to be installed on the site. Towers shall not be artificially lighted, unless required by the [FAA](#) or other applicable authority. If lighting is required, the lighting alternatives and design must cause the least disturbance to the surrounding views.
6. **Color.** Towers shall either maintain a galvanized steel finish or be painted white to be as unobtrusive as possible. Towers in alternate bands of orange and white shall be permitted only if specifically required by [Federal Communications Commission \(FCC\)](#) or [Federal Aviation Administration \(FAA\)](#) regulations. If alternate band painting is required by [FCC](#) or [FAA](#) regulations, the applicant shall provide documentation of such requirements and regulations. The antenna and/or array installed on a tower structure and supporting electrical and mechanical equipment must be of a neutral color that is identical to or closely compatible with the color of the tower structure, so as to make the antenna and related equipment as visually unobtrusive as possible.
7. **Signs.** No signs other than signs required pursuant to Federal, State or local law and ordinance shall be allowed on an antenna or tower or site.
8. **Use of Tower.** The owner/operator of the tower shall agree to permit use of the tower by other personal or business communication services provider, including local government agencies, on reasonable terms, so long as such use does not interfere with the owner/operator's reasonable use of the tower. The addition of other user's equipment to the tower shall be permitted so long as the engineered design capacity of the tower or mast is not exceeded.
9. **Performance Guarantee.** As a condition of approval, prior to construction, the Planning Commission may require and owner to deposit funds in escrow with the Township, or provide and insurance bond satisfactory to the Planning Commission to assure the removal of towers and masts. If required, such escrow deposit or insurance bond shall be in an amount equal to one and a quarter (1.25) times the deposit or bond shall be maintained by successor owners.

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10. **Abandonment.** If a tower ceases operation for its original use or is abandoned for any reason for one (1) year, the Township may order its removal from the site by the owner of the tower within three (3) months of notification by the Township. Failure to remove the tower within the prescribed time period shall be considered a violation of this Ordinance. The Township may cause to have the tower removed and may recover costs of such from the property owner. This subsection D.11 shall apply to all tower and masts including single-use towers and masts.
11. **Compliance with Other Regulations.** The applicant shall provide documentation of conformance with any [Federal Communications Commission](#) and [Federal Aviation Administration](#) regulations.
12. **Waiver.** The Planning Commission may grant a waiver to any of the [subsections D.1 through D.10](#) above upon the following findings:
 - a. Granting the waiver will not cause a substantially adverse effect on neighboring properties and will not produce nuisance conditions to occupants of nearby properties.
 - b. Granting the waiver will not otherwise impair the public health, safety, and general welfare of the residents.
 - c. Granting the waiver will uphold the spirit and intent of this Ordinance.

E. Small Cell Wireless Facilities.

1. **Exempt Small Cell Wireless Facilities.** The co-location of a small cell wireless facility and associated support structure within a public right of way (ROW) is not subject to zoning reviews or approvals under this Ordinance to the extent it is exempt from such reviews under the [Small Wireless Communications Facilities Deployment Act, 2018 PA 365](#), as amended. In such case, a utility pole in the ROW may not exceed forty (40') feet above ground level and a small cell wireless facility in the ROW shall not extend more than five (5') feet above a utility pole or wireless support structure on which the small cell wireless facility is co-located.
2. **Special Land 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 Land 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 30-day period.

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- (2) The running of the time period tolled under **subsection (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 Land 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 5.6** 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:
 - (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.

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- 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 7.12 Convalescent Homes/Homes for the Elderly

- A. The property on which the facility is located shall abut a primary or secondary County road and shall have separate ingress and egress from such road.
- B. The main and accessory buildings shall be set back at least seventy-five (75') feet from the road right-of-way.
- C. The facility shall provide a sufficient amount of open space for each bed available in the facility. Such open space may include landscaped areas, patios, parking areas, driveways, and accessory uses.
- D. Accessory services in common use may include, but not be limited to, dining facilities, recreation areas, lounge areas, workshops, and craft shops.
- E. Refuse and/or garbage receptacles shall be screened from the public view and located in the rear or side yards of the facility. Adequate vehicular access to such receptacles shall be provided.

Section 7.13 Extractive & Mining Operations

- A. In conformance to the [Michigan Zoning Enabling Act, 2006 PA 110](#), as amended, the Township shall not prevent the extraction, by mining, of valuable natural resources from any property unless very serious consequences would result from the extraction of those natural resources.
 - 1. Natural resources shall be considered valuable if a person, by extracting the natural resources, can receive revenue and reasonably expect to operate at a profit.
 - 2. In determining whether very serious consequences would result from the extraction, by mining, of natural resources, the standards set forth in *Silva v Ada Township*, 416 Mich 153 (1982), shall be applied and all of the following factors may be considered, if applicable:
 - a. The relationship of extraction and associated activities with existing land uses.
 - b. The impact on existing land uses in the vicinity of the property.
 - c. The impact on property values in the vicinity of the property and along the proposed hauling route serving the property, based on credible evidence.

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- d. The impact on pedestrian and traffic safety in the vicinity of the property and along the proposed hauling route serving the property.
 - e. The impact on other identifiable health, safety, and welfare interests in the local unit of government.
 - f. The overall public interest in the extraction of the specific natural resources on the property.
- B. The Planning Commission may regulate of hours of operation, blasting hours, noise levels, dust control measures, and traffic, not preempted by part 632 of the [Natural Resources And Environmental Protection Act, 1994 PA 451](#), MCL 324.63201 to 324.63223. However, such regulation shall be reasonable in accommodating customary mining operations.
- C. The site plan shall be submitted prior to beginning mining activities and at five (5) year intervals thereafter during the active life of the mine. For mines in active use at the time of Ordinance adoption, the site plan need only cover areas of the site anticipated for future mining, and shall be submitted within six (6) months of the effective date of this Ordinance provision. Each site plan submitted shall also include a reclamation plan, to be followed upon completion of the extractive and mining operations. The reclamation plan shall be recorded with the County Register of Deeds. The cost of the recording will be paid by the requesting party.
- D. Truck or heavy vehicle traffic related to such operations shall not utilize travel routes in residential areas. If truck or heavy equipment traffic is anticipated to pass through residential areas, the site plan shall include measures to minimize negative traffic impacts. The truck route shall be of sufficient quality and width to sustain expected truck traffic in a safe and orderly manner. If the route does not meet these standards, the expense to bring it up to standard is the responsibility of the applicant. Any necessary road work must be completed before the operation commences.
- E. The applicant shall give written assurance of installing devices to minimize dust, smoke, noise, or visual effects of such operations.
- F. Upon completion of extractive or mining operations, the site shall be returned, as far as possible, to its natural state unless alternate plans, approved by the Planning Commission, are submitted by the owner or occupant.
- G. A performance bond may be imposed by the Planning Commission prior to approval, or at any time if the site plan and/or reclamation plan is not followed, or at the discretion of the Planning Commission.

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Section 7.14 Golf Courses & Country Clubs

- A. The minimum lot size shall be sixty (60) acres.
- B. A shelter building with sanitary toilet facilities meeting all requirements of the District Health Department shall be provided and maintained.
- C. The main and accessory buildings shall be set back at least seventy-five (75') feet from all property lines.

Section 7.15 Hotels, Motels & Motor Courts

- A. Public access to the site shall be located so as not to conflict with vehicular traffic to and from adjacent uses or adversely affect the normal flow of traffic on adjacent streets.
- B. Refuse and/or garbage receptacles shall be screened from public view and located in the rear yard or side yard of the property. Adequate vehicular access to such receptacles shall be provided.
- C. When adjacent to a residential district, a masonry wall or fence at least six (6') feet in height shall be erected adjacent to the common property line.
- D. Where the front yard is used to provide access, a twenty-five (25') foot wide greenbelt shall be located adjacent to the street right-of-way, except for vehicular access points.
- E. Each room shall contain a minimum of two hundred and fifty (250 ft²) square feet of gross floor area.

Section 7.16 Marinas

- A. All fuel storage and pumping facilities shall be separated from all other structures in accordance with appropriate State regulations.
- B. Signs indicating the location of fuel or other flammable material shall be placed in appropriate locations and be clearly visible for a distance of at least fifty (50') feet.
- C. Marina facilities, including fuel storage and pumping stations, shall have a minimum seventy-five (75') foot separation from adjacent residential property.
- D. If bathing and swimming areas are present, they shall be designated by appropriate signs.
- E. Boat docking and launching facilities shall have a minimum thirty (30') foot separation from designated bathing and swimming areas.
- F. All marinas must adhere to all State regulations.

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Section 7.17 Medical & Dental Clinics

- A. The minimum lot size shall be twenty thousand (20,000 ft²) square feet.
- B. Outside storage of trash and/or garbage shall be screened from public view and located in the rear or side yards. Adequate vehicular access to such storage area shall be provided.

Section 7.18 Mortuaries

- A. A well-designed and landscaped off-street vehicle assembly area for funeral processions shall be maintained in addition to required off-street parking and related vehicle maneuvering space.
- B. A caretaker's residence may be located inside the main facility.

Section 7.19 Pellet, Saw and Planer Mills

- A. The setback from the front property line to the main structure shall be a minimum of one hundred (100') feet.
- B. There shall be a minimum side and rear yard setback of two hundred (200') feet between the main and accessory buildings and all residential zoned districts.
- C. Stockpiling or storage of raw materials and finished products shall not be allowed closer than twenty-five (25') feet to any adjacent property line. Where said property abuts a residential zoned district, such stockpiling or storage shall not be allowed closer than sixty (60') feet to the residential zoned property.

Section 7.20 Greenhouse, Nursery & Landscaping Establishments

- A. Storage or display areas shall meet all applicable yard setback requirements.
- B. Off-street loading and parking facilities shall be provided.
- C. Organic plant food, soil, or fertilizer shall be packed or stored so as not to create adverse health effects or odors for neighboring properties or passersby.
- D. In office and/or storage building shall be constructed or placed on the premises. Such buildings shall contain a minimum floor area of one hundred and fifty (150 ft²) square feet and conform to all applicable yard setback requirements.
- E. The greenbelt and protective screening requirements of [Section 3.28](#) shall be adhered to.

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Section 7.21 Private Clubs & Lodges (Nonprofit)

Retail sales to guests only shall be allowed; there shall be no external commercial facility or sales on the premises nor shall access to a commercial activity be allowed other than from within the main building.

Section 7.22 Resorts (four or more units)

- A. The minimum lot size shall be one (1) acre.
- B. Minimum side and rear yard setbacks shall be thirty (30') feet. The minimum front yard setback shall be thirty-five (35') feet. The minimum front yard setback if on lake or stream shall be seventy-five (75') feet.
- C. Public access to the site shall be located so as not to conflict with vehicular traffic to and from adjacent uses or adversely affect the normal flow of traffic on adjacent streets.
- D. Refuse and/or garbage receptacle shall be screened from public and located in the rear or side yard of the property. Adequate vehicular access to such receptacle shall be provided.
- A. Where the front yard is used to provide access, a twenty (20') foot wide greenbelt shall be located adjacent to the street right-of-way, except for vehicular access points.
- E. Each unit of commercial use shall contain a minimum of two hundred and fifty (250 ft²) square feet of gross floor area.

Section 7.23 Restaurants

- A. Main and accessory buildings shall be set back a minimum of sixty (60') feet from the street right-of-way line.
- B. Public access to the site shall be provided no closer than seventy-five (75') feet from any intersection as measured from the right-of-way line of the intersecting street to the nearest point of access.
- C. A minimum six (6') foot high masonry wall or fence shall be provided on the interior of the property line adjacent to any residential use.
- D. Off-street parking facilities with separate ingress and egress maybe provided in the front yard area of "fast food" drive-in restaurants.
- E. Adequate parking shall be provided for patrons commensurate with the seating capacity of the rest
- F. aurant. Parking area shall be lighted for protection of the customers and employees.

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Section 7.24 Roadside Stands

- A. Suitable rubbish containers shall be placed on the site.
- B. The structure shall be located not less than twenty (20') feet from the road right-of-way.
- C. Temporary off-street parking may be allowed in the required front yard setback area. Such parking area need not be paved or treated with a surface covering.

Section 7.25 Stables for Horses/Exotic Animals on Non-Commercial Farms

- A. For breeding, rearing, and/or housing of horses or exotic animals, the minimum-lot size, including a residential dwelling, shall be ten (10) acres, except that up to two (2) saddle horses may be allowed on lots of five (5) acres or more.
- B. Structures used as stables or pens shall not be located closer than sixty (60') feet to any property line or less than one hundred (100') feet from any residential dwelling.
- C. Animals shall be confined in a suitable fenced area surrounding or adjacent to said stable or pen to not nearer than sixty (60') feet to any residential dwelling.
- D. Stable or pen and corral facilities shall be constructed in such a way that dust, noise, odor, and drainage problems will be minimized so as not to constitute a nuisance or hazard to premises on the same lot or adjoining properties.

Section 7.26 Storage Complexes (as Rental Units)

- A. The minimum lot size shall be one (1) acre.
- B. Main and accessory buildings shall have a minimum front yard setback of one hundred (100') feet.
- C. Public ingress and egress shall be no closer than eighty-five (85') feet from any intersection, as measured from the right-of-way line of the intersecting street to the nearest point of access.
- D. The area in use shall be enclosed with an eight (8') foot security fence and a lockable gate. Where the complex is adjacent to a residential area the fence must be constructed of a solid material such as masonry or wood or a combination same.
- E. The entire yard and building area shall have adequate security lighting.
- F. The surface area consisting of the driveway and in between buildings shall be covered with a stone material or paved common to such area.
- G. The office area shall be contained within the main structure or in an adjacent structure of the same construction.

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Section 7.27 Vehicle Wash Establishments

- A. All washing activities must be carried on within the structure.
- B. Vacuum machinery shall be located no closer than fifty (50') feet to any adjoining property.
- C. Ingress and egress to and from the facility shall be located on the same lot which shall abut a major thoroughfare.
- D. Minimum front yard setback for the main structure shall be fifty (50') feet, minimum side yard setback shall be twenty-five (25') feet, and minimum rear yard setback shall be seventy-five (75') feet.

Section 7.28 Wind Energy

In order to protect public safety, promote energy conservation and minimize land use conflicts, the following site development standards shall apply to all wind turbine generator (WTG) and anemometer tower (AT) installations. Unless otherwise provided, WTG and AT shall comply with all of the following standards. Roof-mounted WTG both vertical axis and horizontal axis that have a blade diameter of less than six (6') feet are exempt from the requirements of this Ordinance.

A. Principal or Accessory Use.

A WTG or AT may be considered either a principal 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 facility or a part of such facility on such parcel. Wind energy facilities 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.

B. Sufficient Wind Resources.

- 1. Small WTG are exempt from a wind study.
- 2. Large WTG built to supply the utility grid shall have documented annual wind resource sufficient for the operation of the proposed development. No WTG shall be approved without submission of a wind resource study documenting wind resources on the site over a minimum of one (1) year. The Township may retain the services of an independent, recognized expert to review the results of the wind resource study.

C. Zoning Districts Limitations.

- 1. Small WTG are Special Land Uses and require a plot plan. Small WTG shall have automatic braking, governing, or a feathering system to prevent uncontrolled blade rotation or over-speeding. Installation shall conform to additional requirements of this Ordinance.

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2. Large WTG and AT are a Special Land Use, requiring a site plan, a decommissioning plan, a shadow flicker analysis study, and any other supporting documentation required by the Zoning Ordinance. Large WTG shall have automatic braking, governing, or a feathering system to prevent uncontrolled blade rotation or over-speeding. Installation shall conform to additional requirements of this Ordinance. Installation shall be designed with locking access doors to prevent unauthorized access to electrical and mechanical components.

D. Minimum Site Area.

The minimum site area for a WTG or an AT shall be as necessary to meet required setbacks ([subsection F](#)) and any other standards of this ordinance.

E. Height Limitations and Blade Clearance.

Small horizontal axis WTG shall not exceed sixty-five (65') feet in height measured with vertical blade up at its highest point and shall have a minimum fifteen (15') feet vertical blade tip clearance from ground level. Allowable height of a large WTG shall be determined on a case-by-case basis.

F. Setbacks.

Each proposed horizontal axis WTG or AT shall meet the following applicable setback requirements.

1. Each WTG shall be set back from any adjoining lot line a distance equal to one and one-half (1.5) times the total height of the WTG.
2. Data shall satisfy the Planning Commission that sound levels will not exceed fifty (50) decibels on the dB(A) scale at the property line from the proposed setback. Data provided shall be specific to the proposed tower in the proposed location taking into consideration prevailing winds, topography, existing vegetation, and other relevant factors.
3. In addition to the above, the WTG shall be set back from a public or private road right-of-way or existing easement a minimum distance equal to one and one-half (1.5) times the height of the WTG as defined in this Ordinance.

G. Maximum Noise Levels.

1. Any proposed Small WTG shall result in the production of cumulative sound levels that are fifty (50) decibels or less as measured on the dB(A) scale at the property lines of the site in question.
2. Any proposed Large WTG shall result in the production of cumulative sound levels that are sixty-five (65) decibels or less as measured on the dB(A) scale at the property lines of the site in question.

H. Maximum Vibrations, Shadow Flicker, and Ice Throw.

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Any proposed WTG or AT shall not produce vibrations through the ground humanly perceptible beyond the property of which it is located. Small WTG shall not be placed in a manner that causes shadow flicker onto neighboring property. Large WTG shall include a shadow flicker analysis study with the required site plan. Any potential ice throw or ice shedding from a WTG shall not cross the property lines of the site nor impinge on any right-of-way or overhead utility line.

I. Interference with Residential Reception.

Any WTG or AT shall be constructed and operated so that they do not interfere with television, microwave, navigational, or radio reception to neighboring areas.

J. State or Federal Requirements.

Any proposed WTG or AT shall meet or exceed any standards and regulations of the [Federal Aviation Administration \(FAA\)](#), [Michigan Aeronautics Commission \(MAC\)](#), and any other agency of the State or Federal government with the authority to regulate wind turbine generators or other tall structures in effect at the time the Special Land Use permit is approved.

K. Landscaping.

Each proposed large WTG shall meet the following landscaping requirements. The requirements may be reduced or waived if it is determined that the location of the site, or for other factors, the visual impact of the WTG would be minimal.

1. The base of the WTG shall be landscaped with a buffer of plant materials that effectively screens the view of the bases of these facilities from adjacent property. The standard buffer shall consist of a landscaped strip at least four (4') feet wide outside the perimeter of the facilities.
2. Existing natural land forms on the site which effectively screens the base of the WTG or AT from adjacent property shall be preserved to the maximum extent possible.
3. Landscaping shall be designed to counter the effects of "Shadow Flicker" on any neighboring structures or roadways.
4. To ensure compliance with these landscaping standards, additional landscaping on the site after the installation of the WTG may be required.

L. Aesthetics and Lighting.

Any proposed WTG or AT shall meet the following requirements:

1. Each WTG or AT shall either maintain a galvanized steel finish or be painted a neutral color to reduce visual obtrusiveness.

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2. Each WTG or AT, including all accessory structures shall, to the extent possible, use materials and colors that will blend them into the natural setting. A medium gray shade is the preferred color.
3. Each WTG or AT shall not be artificially lighted, unless required by the **FAA**, **MAC**, or other applicable governmental authority. If lighting is required, the lighting alternatives and design chosen:
 - a. Shall be the intensity required under **FAA** or **MAC** regulations.
 - b. Shall not be strobe lighting or other intermittent white lighting fixtures, unless expressly required by the **FAA** or **MAC**. Such intermittent lighting shall be alternated with steady red lights at night if acceptable to the **FAA** or **MAC**.
 - c. May be a red top light that does not pulsate or blink.
 - d. All tower lighting required by the **FAA** or **MAC** shall be shielded to the extent possible and acceptable to the **FAA** or **MAC** to reduce glare and visibility from the ground.
4. Each WTG or AT shall be sited on the property in a location that reduces to the maximum extent possible any adverse impacts on significant view corridors from adjacent properties.
5. WTG shall be a monopole or mono tube style construction (as distinguished from a lattice-style tower) and shall not utilize a guy wires.
6. AT may be supported by guy wires. The wire shall be clearly visible to a height of at least six (6') feet about the ground.

M. Hazard Planning.

Application for a Special Land Use permit for a WTG shall be accompanied by a hazard prevention plan. Such plan shall address the following at a minimum:

1. A sign no more than four (4 ft²) square feet in area displaying an address and telephone number for emergency calls and informational inquires shall be posted at the proposed wind turbine generator or anemometer tower. No WTG, AT, or site shall include any advertising sign.
2. The landscape plan accompanying the application shall 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.
3. A listing of any hazardous fluids that may be used on site shall be provided, including Material Safety Data Sheets (MSDS).

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4. A periodic inspection scheduled certifying that the turbine shall be routinely inspected to ensure that no hazardous fluids are released from the turbine.
5. A Hazardous Materials Waste Plan shall be provided.

N. Removal of Abandoned Wind Turbine Generators or Anemometer Towers.

Any Large WTG or AT that is not in use for a period of twelve (12) consecutive months shall be considered abandoned, and the owner of each WTG or AT shall remove the same within one hundred and eighty (180) days of receipt of notice from Krakow Township of such abandonment. In addition to removing the WTG or AT, 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 the abandoned WTG or AT within the one hundred and eighty (180) day period provided in this subsection shall be grounds for the Township to remove the WTG and AT at the owner's expense. The Planning Commission shall require the applicant to file an irrevocable bond equal to the reasonable cost (including adjustment for inflation) of removing the WTG or AT and attendant accessory structures as a condition of a Special Use permit given pursuant to this Section.

Section 7.29 Biofuel Production Facilities on Farms

- A. In conformance to the [Michigan Zoning Enabling Act, 2006 PA 110](#), as amended, the following regulations shall apply to biofuel production facilities:
 1. A biofuel production facility with an annual production capacity of not more than one hundred thousand (100,000) gallons of biofuel is a permitted use of property and is not subject to Special Land 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 Land Use approval under subsections 3 to 5:
 - a. A biofuel production facility with an annual production capacity of not more than one hundred thousand (100,000) gallons of biofuel that meets the requirements of [subsection A.1.a](#) and [A.1.b](#) but that does not meet the requirements of subsection [A.1.c](#).

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- 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 Land Use approval for a biofuel production facility described in [subsection 2](#) shall include all of the following:
 - a. A site plan including a map of the property and existing and proposed buildings and other facilities.
 - b. A description of the process to be used to produce biofuel.
 - 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 [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 2](#) and [5](#).
 - g. Any additional information requested by the Planning and Zoning Commission or Zoning Administrator.
4. The Township shall hold a hearing on an application for Special Land Use approval under [subsection 2](#) not more than sixty (60) days after the application is filed.
5. Special Land Use approval of a biofuel production facility described in [subsection 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.

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- (2) Transportation of biofuel or additional products resulting from biofuel production.
- (3) Use or reuse of additional products resulting from biofuel production.
- (4) Storage of raw materials, fuel, or additional products used in, or resulting from, biofuel production.
- (5) The biofuel production facility includes sufficient storage for both of the following:
 - (a) Raw materials and fuel.
 - (b) 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 7.30 Home Occupations & Cottage Industries

A. General Standards.

- 1. A Home Occupation or Cottage Industry shall not change the residential character of the property or the immediate neighborhood, and
- 2. A Home Occupation or Cottage Industry shall not endanger the health, safety, and welfare of any other person living in the general or immediate area by reasons of noise, glare, noxious odors, electrical interference, unsanitary conditions, excessive traffic, fire hazards, and other such negative impacts involved in or resulting from the pursuit of such an occupation shall be allowed.
- 3. One non-illuminated sign, attached to the building, and not larger than two (2 ft²) square feet in area, will be allowed.
- 4. Medical clinics, hospitals, barber shops, nurseries, day care centers, tea rooms, veterinary and real estate office, millinery shops, and other similar enterprises shall not be considered Home Occupations.
- 5. Hours of operation for a Cottage Industry shall be no earlier than 8:00 am or later than 8:00 pm.

B. Location.

- 1. A Home Occupation shall be conducted entirely within and shall not utilize more than twenty-five (25%) percent of the floor area of the dwelling unit.

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2. A Cottage Industry may be conducted within and shall not utilize more than twenty-five (25%) percent of the floor area of the dwelling unit. A Cottage Industry may be conducted within and may utilize the entire floor area of an accessory building.

C. Employees.

1. A Home Occupation may employ no more than one (1) person that works on the premises of the Home Occupation that does not physically reside within the premises containing the Home Occupation.
2. The number of employees (who work but do not reside on the premises) allowed for a specific Cottage Industry shall be evaluated and determined during the Special Use review.

D. Outdoor Storage and Display.

1. **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. If screening is required, the type and location of the same shall be approved by the Zoning Administrator.
2. **Finished Goods.** For Cottage Industries, the Planning Commission may permit the display of finished goods as part of the Special Use Permit process.

E. Parking.

Off-street parking shall be provided for employees of a Cottage Industry. The amount of addition off-street parking for clients and customers shall be approved as part of the Special Use permit.

Section 7.31 Medical Marihuana Primary Caregiver Facilities

A. Intent and Purpose.

The purpose of this section is to implement land use regulations to address the medical use of marihuana as authorized by the enactment of the [Michigan Medical Marihuana Act \(hereinafter referred to as the "MMMA"\)](#), [Initiated Law 1 of 2008](#), MCL 333.26423, et seq, and its administrative rules, R 333.101, et seq.

B. Regulations for Primary Caregivers.

The medical use of marihuana by a primary caregiver in a primary caregiver facility is hereby authorized as a use by right in any zoning district, provided that all of the following regulations are met:

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1. The primary caregiver must be issued and at all times must maintain a valid registry identification card by the [Michigan Department of Licensing and Regulatory Affairs](#) or any successor agency under the provisions of the [MMMA](#).
2. Except when being transported as provided in [subsection 8](#) below, all marihuana plants or products must be contained within the primary caregiver facility in an enclosed, locked facility that segregates the marihuana plants and products for medical use for each qualifying patient and that permits access only by the primary caregiver.
3. If a room with windows within the primary caregiver facility is utilized to grow marihuana for medical use, any artificial lighting shall be shielded, to prevent glare, must not be visible from neighboring properties, and must not be visible from adjacent streets or public ways.
4. Except as provided herein, no more than one (1) primary caregiver shall be permitted to provide primary caregiver services within a single primary caregiver facility. Provided, however, a husband, and wife or not more than two (2) unrelated individuals whose relationship is of a permanent and distinct domestic character and who live as a single, nonprofit housekeeping unit with single culinary facilities may both be primary caregivers within the same primary caregiver facility.
5. Except for any qualifying patients who reside with the primary caregiver at the primary caregiver facility, no more than five (5) qualifying patients may be present at the same time at a primary caregiver facility for any purpose directly related to primary caregiver services. This subsection, however, shall not be construed to prohibit the presence of qualifying patients at a primary caregiver facility for purposes unrelated to primary caregiver services.
6. Qualifying patient visits to a primary caregiver facility shall be restricted to between the hours of 8:00 a.m. and 8:00 p.m., except when (a) the qualifying patient resides with the primary caregiver at the primary caregiver facility, or (b) the qualifying patient visits are for purposes unrelated to primary caregiver services.
7. No qualifying patients under the age of eighteen (18) shall be permitted at any time at a primary caregiver facility, except when (a) in the presence of his/her parent or guardian, or (b) the qualifying patient resides with the primary caregiver at the primary caregiver facility, or (c) the qualifying patient visits are for purposes unrelated to primary caregiver services.
8. No marihuana for medical use shall be dispensed by the primary caregiver to qualifying patients at the primary caregiver facility, except to a qualifying patient who resides with the primary caregiver at the primary caregiver facility. Except as provided herein, the primary caregiver shall deliver all marihuana for the medical use of such qualifying patient, and such delivery shall take place on private property away from public view. Any such delivery vehicle shall be unmarked and not bear any emblem or sign that would indicate the nature of its cargo. In addition, all marihuana for medical use delivered to a qualifying patient shall be packaged so the public cannot see or smell the marihuana.

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9. No marihuana for medical use shall be consumed, smoked, or ingested by a qualifying patient by any method at a primary caregiver facility, except by a qualifying patient who resides with the primary caregiver at the primary caregiver facility.
10. A primary caregiver shall display at the primary caregiver facility indoors and in a manner legible and visible to his/her qualifying patients:
 - a. A notice that qualifying patients under the age of eighteen (18) are not allowed at the primary caregiver facility, except when (a) in the presence of his/her parent or guardian, or (b) the qualifying patient resides with the primary caregiver at the primary caregiver facility, or (c) the qualifying patient visits are for purposes unrelated to primary caregiver services, and
 - b. A notice that no dispensing or consumption of marihuana for medical use shall occur at the primary caregiver facility, except to or by a qualifying patient who resides with the primary caregiver at the primary caregiver facility.
11. A primary caregiver facility shall not have any signage visible from the outdoors that would indicate the nature of the primary caregiver services being conducted in the primary caregiver facility.
12. A primary caregiver facility shall not be located within one thousand five hundred (1,500') feet of the lot on which another primary caregiver facility is located and shall not be located within one thousand five hundred (1,500') feet of a lot on which any of the following uses are located:
 - a. Any church or place of worship and its accessory structures.
 - b. Any public or private school, having a curriculum including kindergarten through twelfth grade and its accessory structures.
 - c. Any preschool, child care, or day care facility and its accessory structures.
 - d. Any public facility, such as libraries, museums, parks, playgrounds, public beaches, community centers, and other public places where children may congregate.
13. The portion of the primary caregiver facility, including any room or area utilized to grow marihuana for medical use, shall contain electrical service and wiring, certified by an electrician licensed in the State of Michigan, meeting the applicable requirements of the electrical code in effect in the Township.
14. If the primary caregiver facility is within a dwelling unit, the dwelling unit shall be occupied and shall not be a vacant residence. The primary use of the property shall remain residential.

C. Relationship to Federal Law.

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Nothing within this section is intended to grant, nor shall it be construed as granting, immunity from Federal law.

Section 7.32 Accessory Dwelling Units/Guest Houses

- A. One (1) accessory dwelling unit is allowed per lot.
- B. The accessory dwelling unit shall not be utilized as a Tourist Home or Bed and Breakfast Facility.
- C. The accessory dwelling unit shall not exceed fifty (50%) percent of the total floor area of the principal dwelling, whichever is less, so that it remains an accessory use to the primary dwelling and does not result in the creation of a duplex. If the accessory dwelling unit is a freestanding, detached unit or located within or attached to a principal dwelling, it shall meet the required principal dwelling unit setbacks.
- D. The accessory dwelling unit shall be provided electricity, plumbing, and heat.
- E. The accessory unit shall be a self-contained unit on a lot with a principal dwelling and shall be one of the following:
 1. located above an attached or detached garage.
 2. attached to the primary dwelling or garage.
 3. totally within a primary dwelling.
 4. a freestanding, detached unit with a permanent foundation.
- F. The accessory unit shall have a separate exterior entrance.
- G. The residents of the primary structure shall maintain the accessory unit and shall ensure that no excessive noise, traffic, or blight occurs on the property.
- H. The accessory unit shall conform to current building code standards.
- I. One (1) additional parking space shall be provided on-site for the accessory dwelling unit.

Section 7.33 Bed & Breakfast Facilities/Tourist Homes

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

- A. A bed and breakfast operation/tourist home shall be confined to the single-family dwelling unit, and the operator shall live on the premises when the operation is active.
- B. Each guest room shall be equipped with a functioning smoke detector alarm and a carbon monoxide detector. A fire extinguisher in proper working order shall be installed and maintained on every floor.

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- C. Ample off-street parking shall be provided.
- D. The dwelling unit shall have no exterior evidence, other than a sign permitted under [Section 3.35](#), to indicate that it is used for any purpose other than a residence.
- E. Meals may be served only to the guests and in accordance with State and County public health regulations.
- F. The bed and breakfast operation/tourist home shall not produce excessive noise, traffic, glare, or other nuisance that would be detrimental to the character of the neighborhood.

Section 7.34 Rooming & Boarding Houses

- A. This use shall be considered as an accessory use; board or lodging shall not be furnished to more than five (5) persons in addition to the family.
- B. The establishment shall be the principal dwelling unit on the property and shall be owner-occupied at all times.
- C. Boarding and the renting of rooms shall not include the operating of what is normally termed a restaurant or similar use where meals are served to transient guests. No separate cooking areas shall be allowed in guestrooms.
- D. Board shall not be provided to other than those rooming in the residence.
- E. Off-street parking shall be required in accordance with [Section 3.34](#).
- F. The boarding house shall not alter the residential character of the building or structure.

Section 7.35 Solar Energy

A. Solar Energy Facilities – Utility Scale.

1. **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 in the initial materials submitted.
2. **Impervious Surface/Stormwater.** If more than eight thousand (8,000 ft²) 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

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quantity of use, and stormwater quality protection measures shall be provided. Any necessary permits from outside agencies for off-site discharge shall be provided.

3. **Screening.** Solar devices shall be screened from view from any residential district or use 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.
4. **Dimensional Regulations.** The setbacks of all solar collection devices and ancillary equipment shall be at least fifty (50') feet from all property lines. Solar panels will be kept at least one hundred (100') feet from a residence that is not part of the Permitted Use.
5. **Installation.** Solar energy panels shall be installed, maintained, and used only in accordance with the manufacturer's specifications.
6. **Abandonment.** Any Freestanding solar collection site or device which is not used for six (6) months shall be deemed to be abandoned. The applicant/permit holder will be so notified in writing by the municipality and requested to dismantle the site and return it to its original state. If there are mitigating circumstances as to why the site has not been used, the applicant/permit holder may contact the municipality and request a three (3) month extension. If a site has been deemed abandoned and no request for an extension is received, the applicant/permit holder will again be notified to dismantle the site and return it to its original state. If the applicant/permit holder does not do this, the municipality will have the removal and restoration done at the owner/applicant'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.
7. **Performance Guarantee.** 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 dismantling the site and returning it to its original state in the event of abandonment.

B. Solar Energy Panels (Accessory).

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 5.2](#) 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.

1. **Height.**
 - a. Ground-Mounted or Pole-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).

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- b. Building-Mounted or Roof-Mounted Accessory Solar Energy Panels shall not exceed the maximum allowed building height in any zoning district. Solar Energy Panels that are wall-mounted shall not exceed the height of the building to which they are mounted.
2. **Yard Location and Setbacks.**
- a. Ground-Mounted or Pole-Mounted Accessory Solar Energy Panels shall be located in the rear or side yard and shall be setback a minimum of ten (10') feet from the interior side lot line and ten (10') feet from a rear lot line. The required setback of the corner side lot line shall be equal to the front setback for a principal building in the district.
 - (1) Ground-Mounted or Pole-Mounted Accessory Solar Energy Panels may be located in the front yard only upon review and approval by the Planning Commission.
 - b. Building-Mounted or Roof-Mounted Accessory Solar Energy Panels shall adhere to district setbacks for a principal building but may encroach into designated principal building setbacks by twelve (12") inches.
3. **Glare.** Panels shall not result in glare onto adjoining properties or public rights of way.
4. **Installation.**
- a. Solar energy panels that are building-mounted shall be permanently and safely attached to the building or structure.
 - b. Solar energy panels that are ground-mounted shall be safely attached to the ground.
 - c. 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.
 - d. Solar energy panels shall be installed, maintained, and used only in accordance with the manufacturer's specifications.
 - e. Solar energy panels shall comply with building code, electrical code and all other applicable regulations.

Section 7.36 Sexually Oriented Businesses

The purpose and intent of the Section of this Ordinance 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

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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.

- A. No sexually oriented business shall be greater than five thousand (5,000 ft²) square feet.
- B. No sexually oriented business shall be established on a parcel within five hundred (500') feet of any residence, public or private school, church, public park, State-licensed child care facility, or residential zoning district.
- C. No sexually-oriented business shall be permitted in a location in which any principal or accessory structure, including signs, is within one thousand (1,000') feet of any principal or accessory structure of another sexually-oriented business.
- D. For the purpose of this Section, measurements shall be made in a straight line in all directions without regard to intervening structures or objects, from the closest part of any structure, including signs and roof overhangs, used in conjunction with the sexually oriented business to the closest point on a property boundary or right-of-way associated with any of the land use(s) or zoning district identified in **subsection B** and **C** above.
- E. The proposed use shall conform to all specific density and setback regulations of the zoning district in which it is located.
- F. The proposed use must meet all applicable written and duly promulgated standards of the Township and other governments or governmental agencies having jurisdiction, and that to the extent required, the approval of these governments and/or governmental agencies has been obtained or is reasonably assured.
- G. 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.
- H. 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.
- I. 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

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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.”

- J. 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 sidewalk, street, or a neighboring property.
- K. Hours of operation shall be limited to 12:00 PM (noon) to 12:00 AM (Midnight).
- L. 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 ^o _‡) ^o ;
 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;
 4. Is illuminated such that a person of normal visual acuity looking into the booth, room, or cubicle from its entrance adjoining the public lighted aisle can clearly determine the number of people within.
 5. Has no holes or openings in any interior or exterior walls not relating to utility, ventilation, or temperature control services or otherwise required by any governmental building code or authority.

Section 7.37 Planned Unit Developments (PUD)

A. Purpose.

The purpose of a Planned Unit Development (PUD) is to permit and encourage design flexibility using the Special Use Permit Procedure. It has the potential of allowing a diversity of types and location of uses, allowing a more efficient use of land for circulation, open space, and utilities. It is also intended to minimize adverse environmental impacts by harmonious utilization of the existing physical identity of the area. The PUD approach provides for recreational facilities within the development, enhances the ability of designers to coordinate architectural design and building placement and upgrades the overall quality of new residential construction.

B. Flexibility of Uses and Design Requirements.

The Planning Commission may allow a variety of uses within a PUD whether or not those uses are allowed in the District. The Planning Commission may allow deviations from the design requirements in [subsection D](#) below based on a finding, by the Planning Commission, that the deviation shall result

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in a higher quality development and shall not result in a nuisance to the surrounding property.

C. Procedures for Application and Approval.

1. Pre-Application Conference.

- a. The procedure of application and approval of a PUD permit shall include at least one (1) pre-application conference between the applicant and the Zoning Administrator or Planning Commission. The applicant shall inform the Zoning Administrator of the applicant's general intentions at this time. The Zoning Administrator may request representative from County and Township agencies (fire department, county park and recreation commission, county sheriff, county road commission, and other such agencies) to attend such conference.
- b. The applicant shall submit, during the pre-application conference, a plan which will communicate the general concept of the PUD.

2. Preliminary Plan Requirements.

- a. **Timing.** After the pre-application conference, the applicant shall then file a Preliminary Development Plan with the Zoning Administrator for purposes of obtaining a Special Use Permit during which time the application shall be scheduled to be reviewed by the Planning Commission at a Public Hearing scheduled within forty-five (45) days of the receipt of the Preliminary Plan by the Zoning Administrator.
- b. **Data Required.** The preliminary plan is specifically intended to include enough detail for administrative analysis for approval or denial of a Special Use Permit. The preliminary plan must be more detailed than the concept plan and contain the data required in [Section 5.5](#) as well as a tabulation of land-area ratios, a comprehensive market analysis, environmental impact statements, and any contracts and deed of indenture between the developer and home buyer.

3. **Final Plan Requirements.** Following approval of the preliminary plan, the applicant shall submit a final plan within a period of three (3) months to one (1) year from the date of approval of the preliminary plan. The final plan is to encompass all the elements of the preliminary plan, plus all changes and/or conditions stipulated by the Planning Commission at the public hearing for the preliminary plan. The final plan shall include enough detail in written and graphic presentation to assure the Planning Commission that the proposed Planned Unit Development will conform to all State and local requirements, as well as reflect, as closely as possible, the finished PUD.

4. Approval of Final Plan.

- a. The Zoning Administrator shall submit the final, detailed plan to the Planning Commission, which shall review it within thirty (30) days of such submission. The final plan should not

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deviate substantially from the approved preliminary plan. The final plan shall be in compliance with the preliminary plan if the following conditions have been met:

- (1) The final plan does not violate the content of the Ordinance.
 - (2) The lot area requirement has not been changed by more than ten (10%) percent.
 - (3) Land reserved for open space (common and usable) has not been reduced by more than ten (10%) percent.
 - (4) The total building coverage has not increased by more than five (5%) percent.
- b. The final plan should include site plans applicable to legal recording criteria and engineering drawings. Drawings and plans presented in a general fashion in the preliminary stage shall be presented in detailed character in the final plan. Any modifications not included in the preliminary plan must be reviewed by the Planning Commission and legal documents, such as easement, agreements, the final draft of articles of incorporation, and any indentures, as well as dedications, shall be submitted by the applicant. The final development plan shall be reviewed by the Planning Commission and members of other appropriate agencies.
- c. **Approval.** The Planning Commission shall then approve the final plan, disapprove it, or approve it with modifications. No public hearing is necessary, and if approval is given by the Township Board, the legislative body shall accept and record site maps and plans, dedicated streets, properties, and open spaces, right-of-ways and any additional dedications within the development. If the plan is disapproved by the Township Board, reasons for the denial shall become part of the public record, as well as presented to the developer in written form.

D. Design Requirements.

Since the PUD concept is to allow more flexibility in design while retaining control through review procedures, the design standards incorporated into a PUD ordinance should be less structured than found in a standard residential zone or subdivision regulation, yet formal enough to insure desired performance. These design requirements also offer incentives to developers to invest in PUD's.

1. **Density.** Density increases can be allowed for PUD's over and above those allowed in the district. Since successful PUD design can occur in almost any sized area, the planned development shall not be allowed on any site of less than two (2) acres. It should be controlled by one owner or group of owners, and be planned and developed as a single unit.
 - a. **Lot Size Variations.** Lot sizes shall be computed using gross acreage computations. Land utilized for public utilities such as easements and flood plain areas shall not be included in determining computations for gross development areas. A fixed percentage of streets within the proposed development shall be subtracted from the computed gross area figure, and the result shall be divided by the minimum lot requirements (after density

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bonuses have been arrived at by the methods described below) of the zoning district within which the PUD is located. The result will define the maximum number of residential units allowed.

b. Density increases are to be permitted for the following amenities:

(1) **Improved and unimproved common open space.**

(a) The first acre of common open space per twenty (20) acres of gross, if improved, permits a maximum increase of eight (8%) percent; if first acre of common open space is unimproved, six (6%) percent is allowed.

(b) The second acre of common open space per twenty (20) acres of gross, if improved, permits a maximum increase of four (4%) percent; if unimproved, three (3%) percent is allowed.

(c) Each additional acre of common open space per twenty (20) acres of gross, if improved, permits a maximum increase of three (3%) percent; if unimproved, two (2%) percent is allowed.

(2) Character, identity, and architectural and sitting variation incorporated in a development shall be considered cause for density increases not to exceed fifteen (15%) percent, provided these factors make a substantial contribution to the objectives of a PUD. The degree of distinctiveness and the desirable variation achieved shall govern the amount of density increase which the Planning Commission shall approve. Such variations may include, but are not limited to, the following:

(a) Landscaping (a maximum increase of five (5%) percent).

(b) Visual focal points, use of existing physical features such as topography, view, sun and wind orientation, circulation pattern, physical environment, variation in building setbacks and building groups (such as clustering), a maximum increase of five (5%) percent.

(c) Design features (maximum increase of five (5%) percent, street sections, architectural styles, harmonious use of materials, parking areas broken by landscape features, and varied use of house types.

2. **Open Space.** Open spaces are an important facet of the community's environment and character. The PUD approach is an efficient "tool" in preserving and enhancing open spaces, particularly recreational areas within residential developments. Open space shall be distinguished as private (for personal or family use), common (for use by all homeowners in the PUD), and public (open to all members of the general public). The following open space requirements shall be adhered to in all PUDs to provide for the integration of efficient and extensive areas into the existing open space system of the community. These areas should be easily accessible to all residents of the PUD. Required open space shall comprise at least forty (40%) percent of the total gross area. Not less than fifty (50%) percent of the net area

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of the property shall be open space devoted to planting, patios, walkways, and recreational uses, but excluding areas covered by dwelling units, garages, carports, parking areas and driveways. Net area is defined as the site area less all land covered by buildings, streets, parking lots or stalls, driveways, and all other paved vehicular ways and facilities. At least twenty (20%) percent of the total area shall be devoted to such properly planned permanent usable open space. Common open space shall comprise at least twenty-five (25%) percent of the gross area of the PUD to be used for recreational, park, or environmental amenity for collective enjoyment by occupants of the development, but shall not include public or private streets, driveways, or utility easements provided however, that up to fifty (50%) percent of the required open space may be composed of open space on privately owned properties dedicated by easement to assure that the open space will be permanent. Active open spaces for recreational purposes should not be less than six thousand (6,000 ft²) square feet in area. Any portions of the PUD side, if deemed environmentally significant, may, upon review by the Planning Commission, be preserved in their natural state.

3. **Homeowners Association.** Homeowners' associations have the advantage of enabling the residents of a PUD to control, through ownership and maintenance, common open space areas and private streets, thereby eliminating or substantially decreasing maintenance costs to the local government. If the developer chooses to institute a homeowners' association, the following minimum criteria must be met:
 - a. The homeowners' association must be set up before the homes are sold.
 - b. Membership must be mandatory for each home buyer and any successive buyer.
 - c. The open space restrictions must be permanent, not just for a period of years.
 - d. The association must be responsible for liability insurance, local taxes, and the maintenance of recreational and other facilities.
 - e. Homeowners must pay their pro rate share of the cost; the assessment levied by the association can become a lien on the property.
 - f. The association must be able to adjust the assessment to meet changed needs. The above stipulations have the advantage of ensuring the economic viability of the homeowners' association and preserving open space areas within the community.

The developer must file a restrictive covenant with the Register of Deeds at the time the final plan is approved, guaranteeing those open spaces, included in the final plan will remain open for their designated purpose, or for other open space uses desired by the homeowners' association.

4. **Environmental Design Requirements.** The Planning Commission shall require the following in accordance with applicable provisions of this Ordinance: The preservation of existing trees, predominant shrubbery, waterways, scenic viewing areas, historic points, flood plain preservation, and the planting of vegetation or placement of protective cover on slopes of

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twenty (20%) percent or greater grade to minimize hillside erosion resulting from residential development and consequent streets and walkways.

5. **Traffic Circulation.** Internal circulation systems and points of ingress and egress with external traffic flow must be coordinated within the PUD and in relation to the community as a whole. These systems should promote safety, convenience, easy access, separation of vehicles from pedestrians, and enhance the overall physical design of the PUD. Vehicular circulation systems in PUDs should not be connected with external streets to encourage through traffic. Emergency access and safety standards should be adhered to. These standards apply to the location of residences relative to the community and the overall design of the PUD.

6. **Private Streets.** Private streets, particularly in PUDs must be designed to accommodate anticipated traffic loads including volume, vehicular weight and size, speed, emergency vehicles and turning radii. Those developments with homeowners’ associations may maintain private streets within the development through agreements of indenture. All private streets can deviate from existing public street standards if, upon review and recommendation by the fire chief, sheriff, county drain commission, road commission and the Planning Commission authorizes such modifications within the PUD, and health, safety and welfare requirements are met.

For purposes of utility easements, all private streets in the PUD with underground utilities should be dedicated to the local government, which will maintain these streets.

Private streets may be dedicated into the public street system if the owners of these streets fully agree to accept all expenses for any required upgrading to public street standards, and agree to dedicate these streets without compensation from the local government.

The following residential street standards should be adhered to, unless modification is permitted by the Planning Commission.

Table 7.37: Residential Street Standards			
Type of Street	Uses Served	Required Footage	
		Row	Pavement
Residential dead end or local street	1 - 6 dwellings	30	18
	7 - 20 dwellings	40	24
	21 - 50 dwellings	50	30
Residential Collector	51 - 200 dwellings	60	36
Neighborhood Collector	over 200 dwellings or any commercial use	60	36

These standards are commensurate with traffic flow and safety standards for various densities.

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7. **Parking Standards.** Parking standards are an important element of a PUD design process and should adhere to high design and safety standards. The following minimum requirements shall be adhered to:
 - a. For each dwelling unit, there shall be off-street parking spaces consisting of not less than two hundred (200 ft²) square feet each.
 - b. Parking areas shall be arranged so as to prevent through traffic to other parking areas.
 - c. Parking areas shall be screened from adjacent roads, structures, and traffic arteries with hedges, dense planting, earth berms, changes in grade, or walls.
 - d. No more than fifteen (15) parking spaces shall be permitted in a continuous row without being interrupted by landscaping.
 - e. No more than sixty (60) parking spaces shall be accommodated in any single parking area.
 - f. All streets and any off-street loading area shall be paved and the design thereof approved by the Planning Commission.
 - g. All areas shall be marked so as to provide for orderly and safe loading, parking, and storage.
 - h. All parking areas shall be adequately graded and drained to dispose of all surface water without erosion, flooding or other inconveniences.

8. **Perimeter Treatment.** To provide adequate separation between the PUD and the surrounding community, a minimum thirty (30') foot buffer zone shall be established on the perimeter of the development, in which no structures will be located and adequate screening and landscaping or protection by natural features will be established. In those cases where, because of natural topography, this screening and landscaping requirement cannot be met, and adequate privacy and separation is not possible, the Planning Commission may require structures on the perimeter to be set back in accordance with the requirements established for the zoning district in which the PUD is located. Those structures within this category should be adequately screened or landscaped.

E. General Standards.

The principal advantage of a PUD, flexibility in design, should be followed in determining general building and site standards. These should conform to minimum performance criteria rather than to specific building code dimensions and requirements found in established residential zones. The following guidelines shall be established in the determination of structural sitting on lots; reduction of spacing is based upon standards within the existing zones.

1. **Building Spacing.** When the building is designed to provide adequate privacy to its residents including adequate window space, there may be a reduction in the spacing of buildings. Those

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residents which have no windows or windows at higher levels and have adequate light and ventilation from other areas of the room may decrease building spacing. Residences incorporating effective utility spaces in side yards should be eligible for reduced separation between houses. Where building configurations incorporate the above criteria and have unusual shapes, the spacing of structures may be reduced.

2. **Front Yard Requirements.** In those areas where street design reduces traffic flow, adequate screening or landscaping is provided, the residence is facing onto a common open space, or through interior room design minimizing use of the front yard, front yard requirements may be reduced.
3. **Lot Width Requirements.** Those lots which have an awkward configuration, yet allow adequate light and ventilation between structures, may reduce their lot width requirements while maintaining adequate light, ventilation, and access.
4. **Building Heights.** To ensure adequate light, ventilation, and open space amenities in the PUD while allowing a variety of building types and densities, buildings heights should be part of the review process. However, to protect the character of the area, a maximum building height shall be no more than fifty (50') feet.

Section 7.38 Site Condominiums

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

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dwelling unit be located on a site condominium unit with any other principal structure or use, unless otherwise allowed by this Ordinance.

- 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 review and approval by the Planning and Zoning Commission in accordance with [Article 5](#) 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](#) shall apply to site condominium projects.
 - (2) All condominium site plans shall include the information required in Section 66 of [1978 PA 59, as amended \(Condominium Act, being MCL 559.166\)](#).
 - (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 and Zoning 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 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 Guarantees.** As a condition of approval of the site plan, the Planning and Zoning Commission may require performance guarantees by the developer in accordance with the provisions of [Section 9.4](#), 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,

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conduits, and other installations of a similar character, hereinafter collectively called “public structures” 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.

Section 7.39 Subdivision Control

A. Purpose.

The purpose of this Section is to regulate and control the subdivision of land within the County of Presque Isle, Township of Krakow, in order to promote the safety, public health, and general welfare of the Township. These regulations are specifically designed to:

1. Provide for orderly growth and harmonious development of the Township, consistent with ordered growth policies.
2. Achieve individual property lots of maximum utility and livability.
3. Insure adequate provisions for water, drainage, sanitary facilities, and other health requirements.

B. Legal Basis.

This Section is enacted pursuant to the statutory authority granted by the [Land Division Act 1967 PA 288](#), as amended and [Township Ordinances 1945 PA 246](#), as amended, authorizing Township Boards to adopt Ordinances and Regulations to secure the public health, safety, and general welfare.

C. Scope.

This Ordinance shall not apply to any lot or lots forming a part of a subdivision created and recorded prior to the effective date of this Ordinance except for the further dividing of lots. This Ordinance is not intended to repeal, abrogate, annul, or in any way impair or interfere with existing provisions of other laws, ordinances or regulations or with private restrictions placed upon property by deed, covenant, or other private agreements or with restrictive covenant’s running with the land to which the Township is a party. Where this Ordinance imposes a greater restriction upon land than is imposed

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or required by such existing provision of any other ordinance of this Township, the provisions of this Ordinance shall control.

D. Platting Procedure and Data Required.

1. **Submittal.** The sub-divider shall submit eight (8) copies of the preliminary plat on a topographic map to the Township Clerk at least ten (10) days before the meeting of the Township Board.
 - a. Preliminary plats shall be submitted and filed for approval under Sections 112 and 120 of [Land Division Act](#).
 - b. The fee provided for in this Ordinance for review of plats shall be deposited with the Township Clerk at the time of filing.
2. **Information Required.** The following shall be shown on the preliminary plat or submitted with it:
 - a. The name of the proposed subdivision.
 - b. Names, addresses, and telephone numbers of the sub-divider and the surveyor preparing the plat.
 - c. Location of the subdivision, giving the numbers of section, township, and range and the name of the Township and County.
 - d. The names of abutting subdivisions and/or metes and bounds descriptions.
 - e. Statement of intended use of the proposed plat, such as rural residential, mixed residential, commercial, industrial, recreational, or agricultural. Also proposed sites, if any, for multi-family dwellings, shopping centers, churches, industry, and other nonpublic uses exclusive of single-family dwellings. Also, any sites proposed for parks, playgrounds, schools, or other public uses.
 - f. A map of the entire area scheduled for development, if the proposed plat is a portion of a larger holding intended for subsequent development.
 - g. A location map showing the relationship of the proposed plat to the surrounding area.
 - h. The land use and existing zoning of the proposed subdivision and the adjacent tracts.
 - i. Streets, street names, right-of-way, and roadway widths.
 - j. Lot lines and the total number of lots by block.

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- k. Contours shall be shown on the preliminary plat at five (5') feet intervals where slope is greater than ten (10%) percent and at two (2') feet intervals where slope is ten percent or less.
 - l. A site report as described in the rules of the State Department of Public Health. The requirement for a site report if the proposed subdivision is not to be served by public sewer and water systems.
 - m. Proposed and existing storm and sanitary sewers, water mains and their respective profiles, or indicate alternative methods.
 - n. Eight (8) copies of proposed protective covenants and deed restrictions or state in writing that none are proposed.
 - o. Right-of-way easements, showing location, width, and purpose.
3. **Hearing (Township Planning Commission).** The Zoning Administrator, upon being presented with a plat, shall place the formal consideration of same on the agenda for the second Township Planning commission meeting subsequent to the date of receipt of the plat and the necessary documentation. The Zoning Administrator shall mail notice of said meeting to the listed developer, or his legal representative, and, also specify that the developer may request early consideration at a special meeting of the Commission, scheduled subsequent to the next regular meeting of the Commission, upon written application and payment of fees in connection therewith.
4. **Hearing (Township Board).** After the Planning Commission hearing, the Township Clerk, upon being presented with a plat, shall place the formal consideration of same on the agenda for the second Township Board meeting subsequent to the date of the receipt of the plat and the necessary documentation. The Township Clerk shall mail notice of said meeting to the listed developer, or his legal representative, and also specify that the developer may request early consideration at a special meeting of the board, scheduled subsequent to the next regular meeting of the Board, upon written application and payment of fees in connection therewith. The Township Board shall within twenty (20) days after consideration at the hearing either accept or reject the preliminary plat and give its reasons in writing there-for.
5. **Conditions and Duration of Approval.**
- a. **Conditions.** Approval of a preliminary plat shall not constitute approval of the final plat, but rather that final plat approval shall be conditioned on all requirements being met.
 - b. **Duration.**
 - (1) Approval of the preliminary plat by the Township Board shall be for a period of one (1) year from the date of its approval after approval by the other required authorities.
 - (2) The Township Board may extend the one (1) year period if applied for and granted in writing, but only concerning its own requirements.

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6. Final Plats.

a. Requirements.

- (1) Final plats shall be prepared and submitted as provided for in the [Land Division Act](#).
- (2) A written application for approval and the recording fee shall accompany all final plats.
- (3) The sub-divider shall submit proof of ownership of the land included in the final plat in the form of a title opinion from an attorney or a policy of title insurance currently in force.
- (4) The Township may require such other information as it deems necessary to establish whether the proper parties have signed the plat.

7. Actions.

- a. The Township Board shall review the final plat at its next regular meeting or at a meeting to be called within twenty (20) days of receipt of the plat.
- b. The Township Board shall approve the plat or disapprove it. If disapproved, the Township Board shall give the sub-divider its reasons in writing and rebate the recording fee and whatever portion of the review fee is provided for in this Ordinance.
- c. The Township Board shall instruct the Clerk to record all proceedings in the minutes of the meeting, which shall be open for inspection and to sign the municipal certificate on the approved plat on behalf of the Township Board.

E. General Provisions Applying to all Development.

1. **Roads.** Henceforth all roads constructed in any platted subdivision within the Township shall be equal to County road specifications. All other roads constructed in the Township shall also be equal to County road specifications unless said road is intended to serve two (2) or less family dwelling units.
2. **Lots.** The lot width, depth, and area shall not be less than the particular district requirements of the Township Zoning Ordinance. If such provisions are not in effect when this Ordinance becomes effective, no lot shall be less than seventy-five (75') feet wide, and less than nine thousand (9,000 ft²) square feet in area.
3. **Lot Line.** Side lot lines shall be essentially at right angles to straight streets and radial to curved streets.

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4. **Corner Lots.** Corner lots shall have extra width to permit appropriate building setback from both streets or orientation to both streets.
5. **Uninhabitable Areas.** Lands subject to flooding or otherwise deemed by the Township Board to be uninhabitable shall not be platted for residential purposes, or for uses that may in the judgment of the Township Board increase the danger to health, life, or property or increase the flood hazard. Such land within a subdivision may be set aside for other uses, such as parks or other open spaces.
6. **Lot Frontage.** All lots shall front upon a street or road. Exceptions may be permitted for lots on lakes, rivers, or streams. The front line shall be the street or road unless otherwise shown on the plat.
7. **Lot Division.** The division of a lot in a recorded plat is prohibited, unless approved following application to the Township Board. The application shall be filed with the Township Clerk and shall state the reasons for the proposed division. No lot in a recorded plat shall be divided into more than four (4) parts and the resulting lots shall be not less in area than permitted by the Township or County Zoning Ordinance. No building permit shall be issued or any building construction commenced unless the division has been approved by the Township Board and the suitability of the land for building sites has been approved by the County or District Health Department. The division of a lot resulting in a smaller area than prescribed herein may be permitted, but only for the purpose of adding to the existing building site or sites. The application shall so state and shall be in affidavit form.

Section 7.40 Manufactured Housing Communities

A. Scope.

For the preservation of the interests of the various types of residential developments, which should be permitted in every community, and for the protection of the residents of any manufactured home type development, these regulations are considered as minimum standards to be applied to all manufactured housing communities in Krakow Township.

B. State Regulations.

All manufactured housing communities shall comply with the standards set forth by the Michigan Department of Licensing or Regulatory Affairs or such subsequent regulatory agency. When regulations in this Section exceed the State law or regulations, they are intended to insure that manufactured housing communities meet the development and site plan standards established by this Ordinance for other comparable residential development and to promote the health, safety, and welfare of the Township's residents. It is recognized that some regulations listed below may be superseded by the currently adopted [Administrative Code R 125.1101 et seq.](#)

C. Approval.

Each proposed manufactured housing community shall apply to the Planning Commission for a Special

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Use permit.

D. Waterfront Setback.

If located near a lake or stream, a seventy-five (75') feet setback from the high-water mark will be required for all units.

E. Intent.

Manufactured housing communities should be located in areas where they will be compatible with adjacent land uses. Accordingly, manufactured housing communities shall be located in conformance with the following:

1. Manufactured housing communities shall not be located where they would interrupt the continuity of permanent single-family neighborhoods.
2. On sites adjacent to existing manufactured housing communities, sites which meet other locational criteria of this Section may be appropriate.
3. Manufactured housing communities shall have paved vehicular access to paved major thoroughfare or collector road.
4. Sanitary sewer and water supply shall be available with sufficient capacity to serve the residents and to provide fire protection. Public sewer systems shall be required in manufactured housing communities if available within two hundred (200') feet at the time of preliminary plan approval. If a public sewer system is unavailable, the park shall connect to a State-approved sewage system. Furthermore, the location of a manufactured housing community shall not have an adverse impact on the proper functioning of community facilities and utility systems, including but not limited to the following: roads, sanitary sewers, water, storm drainage, police and fire protection, and the educational system.
5. Manufactured housing communities shall be located outside of a designated flood-way and/or wet lands.

F. Permitted Uses within a Manufactured Housing Community.

Within a manufactured housing community no building shall be erected, used, or structurally altered, nor shall the land or premises be used in whole or in part, except for one or more of the following principal permitted uses:

1. Manufactured homes.
2. Adult care and child care facilities that provide care for up to six (6) individuals.
3. Essential services, provided there is not building or outdoor storage yard.

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G. Permitted Accessory Uses within a Manufactured Housing Community.

Accessory buildings, uses, and activities customarily incidental to residential uses and any of the above-named permitted uses shall be allowed, subject to the provisions of this Section.

H. Site Plan Review.

Pursuant to Section 11 of the [Mobile Home Commission Act, 1987 PA 96](#), as amended, a preliminary plan shall be submitted to the Township for review by the Planning Commission. The preliminary plan shall include the location, layout, general design, and general description of the project. The preliminary plan shall not include detailed construction plans.

In preparing the preliminary plan and when reviewing the plan, the developer and Planning Commission shall follow the procedures and requirements in [Article 5](#) of this Ordinance, where applicable, except where said procedures and requirements are superseded by requirements in [Public Act 96 of 1987](#), as amended, or the [Manufactured Housing Commission Rules](#).

Pursuant to Section 11 of the [Mobile Home Commission Act, 1987 PA 96](#), as amended, the Planning Commission shall take action on the preliminary plan within sixty (60) days after the Krakow Township Zoning Administrator receives the plan.

I. Minimum Requirements.

Manufactured housing communities shall be subject to all the rules and requirements as established and regulated by Michigan law including, by the way of example, the [Mobile Home Commission Act, 1987 PA 96](#), as amended, and the [Manufactured Housing Commission Rules](#) and, in addition, shall satisfy the following minimum requirements:

1. **General Authority.** Manufactured housing communities shall be constructed, licensed, operated, and managed in accordance with the provisions of the [Mobile Home Commission Act, 1987 PA 96](#), and subsequently adopted rules and regulations governing manufactured housing communities. Application for permit to construct a manufactured housing community shall be submitted to the [Michigan Department of Licensing and Regulatory Affairs \(LARA\)](#), the agency charged with licensing of manufactured housing communities. Preparation of the application support data, and local agency review of the above mentioned materials shall conform to the requirements of [Act 96](#).
2. **Codes.** All structures and utilities to be constructed, altered, or repaired in a manufactured housing community shall comply with all applicable codes of the Township, the State of Michigan, the [U.S. Department of Housing and Urban Development](#), and the [Manufactured Housing Commission](#), including building, electrical, plumbing, liquefied petroleum gases, and similar codes, and shall require permits issued therefore by the appropriate offices.
3. **Parcel Size.** The minimum parcel size for mobile home parks shall be fifteen (15) acres.

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4. **Site Size.** The manufactured housing community shall be developed with sites having a minimum size of five thousand five hundred (5,500 ft²) square feet per manufactured home unit. This five thousand five hundred (5,500 ft²) square foot minimum for any one (1) site may be reduced by twenty (20%) percent provided that the individual site shall be equal to at least four thousand four hundred (4,400 ft²) square feet. For each square foot of land gained through the reduction of a site below five thousand five hundred (5,500 ft²) square feet, at least an equal amount of land shall be dedicated as open space. But in no case shall the open space and distance requirements be less than that required under the [Michigan Administrative Code](#).
5. **Dimensional Requirements.** Manufactured homes shall comply with the following minimum distances and setbacks:
 - a. Twenty (20') feet from any part of an adjacent manufactured home.
 - b. Ten (10') feet from any on-site parking space of an adjacent manufactured home site.
 - c. Ten (10') feet from any accessory attached or detached structure of an adjacent manufactured home.
 - d. Fifty (50') feet from any permanent building.
 - e. One hundred (100') feet from any baseball, softball, or similar recreational field.
 - f. Ten (10') feet from the edge of an internal road, provided that such road is not dedicated to the public. Manufactured homes and other structures shall be set back at least twenty (20') feet from the right-of-way line of a dedicated public road with the mobile home park.
 - g. Seven (7') feet from any parking bay.
 - h. Seven (7') feet from a common pedestrian walkway.
 - i. All manufactured homes and accessory buildings shall be set back not less than fifty (50') feet from any park boundary line, including the future right-of-way of abutting streets and highways.
 - j. Forty (40') feet from the edge of any railroad right-of-way.
6. **Building Height.** Buildings shall not exceed two and one-half (2 ½) stories or thirty-five (35') feet, except that storage sheds shall not exceed fifteen (15') feet in height.
7. **Roads.** Roads shall satisfy the minimum dimensional, design, and construction requirements as set forth in the [Manufactured Housing Commission Rules](#) except as follows:
 - a. Two-way streets shall have a minimum width of twenty (21') feet where no parallel parking is permitted, thirty-one (31') feet where parallel parking is permitted on one (1)

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side only, and forty-one (41') feet where parallel parking is permitted on both sides of the street.

- b. One-way streets shall have a minimum width of thirteen (13') feet where no parallel parking is permitted, twenty-three (23) feet where parallel parking is permitted on one (1) side only, and thirty-three (33') feet where parallel parking is permitted on both sides of the street.
- c. Cul-de-sacs, where proposed, shall have a minimum radius of forty-five (45') feet in accordance with current [Presque Isle County Road Commission](#) standards.
- d. The main entrance to the park shall have paved access to a paved public collector or arterial road. Sole access to the park via an alley is prohibited.

8. Parking.

- a. All manufactured home sites shall be provided with two (2) parking spaces per [Manufactured Housing Commission Rule 925](#).
- b. In addition, a minimum of one (1) parking space for every three (3) mobile home sites shall be provided for visitor parking located convenient to the area served per [Manufactured Housing Commission Rule 926](#).
- c. No unlicensed or inoperable vehicle of any type shall be parked in the manufactured housing community at any time except within a covered building.
- d. Common areas for the storage of boats, motorcycles, recreation vehicles, and similar equipment may be provided in a manufactured housing community but shall be limited to use only by residents of the manufactured housing community. The location of such storage areas shall be shown on the site plan and shall be prohibited on manufactured home sites and in designated open space areas. No part of any such storage area shall be located in any yard required on the perimeter of the manufactured housing community. Such storage area shall be surfaced with gravel, asphalt, or similar substance and shall be screened from view from adjacent residential properties with an opaque six (6') foot maintained wooden fence with landscaping or landscaped greenbelt. If a landscaped greenbelt is used, it shall consist of closely-spaced evergreen plantings no farther than fifteen (15') feet apart which can be reasonable expected to form a complete visual barrier that is at least six (6') feet above ground level within three (3) years of planting. Common laundry drying areas, trash collection stations, surface mounted transformers, and similar equipment and facilities shall also be screened from view by plan material.

- 9. **Sidewalks.** Sidewalks having a minimum width of four (4') feet shall be provided along each side of the street upon which manufactured home sites front.

10. Accessory Buildings and Facilities.

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- a. Accessory buildings and structures, including park management offices and public works facilities, storage buildings, laundry facilities, recreation or community facilities, and other accessory facilities, shall be designed and operated for use by residents of the park only.
- b. All buildings constructed on-site within a manufactured housing community shall be constructed in compliance with the [Presque Isle County Building Codes](#) and shall require all applicable permits. Any addition to a manufactured home unit that is not certified as meeting the standards of the [U.S. Department of Housing and Urban Development](#) for manufactured homes shall comply with the [Presque Isle County Building Codes](#). Site plan approval shall be required prior to construction of any on-site building within a manufactured housing community, except for storage sheds or garages for individual manufactured homes.
- c. Each manufactured home shall be permitted one (1) storage shed not to exceed one hundred and fifty (150 ft²) square feet in area or one garage not to exceed three hundred and twenty (320 ft²) square feet in area. The installation of any such shed or garage shall comply with codes and ordinances of Krakow Township and Presque Isle County Building Dept. and shall require a township zoning permit and a county building permit. Storage underneath a mobile home or outside on any mobile home site is prohibited.
- d. Travel trailers or recreational vehicles shall not be occupied as living quarters in a mobile home park.

11. Open Space.

- a. Open space shall be provided in any manufactured housing community in accordance with [R125.1946 Rule 946 of the Michigan Administrative Code](#).
- b. Individual manufactured home sites within a manufactured housing community shall have a minimum lot size of five thousand five hundred (5,500 ft²) square feet per manufactured home being served. This five thousand five hundred (5,500 ft²) square foot minimum may be reduced by twenty (20%) percent, provided that the individual site shall be equal to at least four thousand four hundred (4,400 ft²) square feet. For each square foot of land gained through this reduction of the site below five thousand five hundred (5,500 ft²) square feet, an equal amount of land shall be dedicated as open space. In no case shall the open space requirements be less than that required under [R125.1946, Rule 946 of the Michigan Administrative Code](#).

12. Screening.

- a. All manufactured housing communities shall be screened from existing adjacent residential uses as required under [Section 3.28](#) of Krakow Township Ordinance. A landscaped buffer shall be provided along the public road frontage of a manufactured housing community as required under [Section 3.28](#) of Krakow Township Ordinance.
- b. If a landscaped greenbelt is used, it shall consist of closely-spaced evergreen plantings (that is, no further than fifteen (15') feet apart) which can be reasonable expected to form

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a complete visual barrier that is a least six (6') feet above ground level within three (3) years of planting. Deciduous plant materials may be used provided that visual screening is maintained throughout the year.

c. All manufactured homes shall be skirted with metal or vinyl material.

13. **Canopies.** Canopies and awnings may be attached to any manufactured homes and may be enclosed for use as a sun room or recreation room, but not as a bedroom. Canopies and awnings shall comply with the setback and distance requirements set forth in this Section and shall require a building permit.
14. **Zoning Permit Required.** No manufactured home shall be permitted to be placed in a manufactured housing community until a zoning permit has been granted by the Township and a license has been issued by the [Michigan Department Licensing and Regulatory Affairs](#) or such subsequent State department. No individual manufactured home site shall be occupied until the required improvements, including utilities and access roads which serve the site are in place and are functioning. A Certificate of Occupancy issued by [Presque Isle County Building Department](#). shall be required prior to use of any building constructed on-site.
15. **Manufactured Home Sales.** The business of selling new or used manufactured homes as a commercial operation in connection with the operation of a manufactured housing community shall be prohibited. New or used manufactured homes located on sites within the manufactured housing community to be used and occupied on that site may be sold by a licensed dealer or broker. This Section shall not prohibit the sale of a used manufactured home by a resident of the manufactured housing community provided the park's regulations permit such sale.
16. **Prohibitions.** No manufactured home shall be used for any purpose other than as a single-family dwelling except as otherwise provided in this Ordinance.

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Section 8.1 Authority

There is hereby established a Zoning Board of Appeals, the membership, powers, and duties of which are described in the [Michigan Zoning Enabling Act, 2006 PA 110](#), as amended. The Zoning Board of Appeals shall perform its duties and exercise its powers as provided in the above Act in such a way that the objectives of this Ordinance shall be observed, the public health, safety and welfare assured, and justice served.

Section 8.2 Membership

The Zoning Board of Appeals shall consist of the following five (5) members:

A. Regular Members.

1. The first member of the Zoning Board of Appeals shall be a member of the Township Planning Commission, nominated by the Planning Commission and approved by the Township Board.
2. The second member shall be a member of the Township Board appointed by the Township Board.
3. The three (3) remaining members shall be selected and appointed by the Township Board from among the electors residing in the Township.

An employee of or contractor to the Township 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. An alternate member may also be called to serve in the place of a regular member for the purpose of reaching a decision on a case in which the regular member has abstained for reasons of conflict of interest. The alternate member

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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. Chairperson.

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 chairperson.

D. Expenses.

The total amount allowed the Zoning Board of Appeals in one (1) year as per diem or as expenses actually incurred in the discharge of its duties shall not exceed a reasonable sum, which shall be appropriated annually in advance by the Township Board.

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 Township Board, whose terms shall be limited to the time they are members of the Planning Commission or Township Board. When members are first appointed, the appointments may be for less than three (3) years to provide for staggered terms so that not more than three (3) terms expire in any given year. A successor shall be appointed not more than one (1) month after the term of the preceding member has expired. Vacancies for unexpired terms shall be filled for the remainder of the term in the same manner as the original appointment.

F. Removal of ZBA Member.

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 public hearing. A member shall ask to be disqualified from a vote in which the member has a conflict of interest. Failure of a member to ask to be disqualified from a vote in which the member has a conflict of interest constitutes malfeasance in office.

Section 8.3 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, 1976 PA 267](#), as amended.

B. Meeting Scheduling and Notice.

Meetings shall be held at the call of the Chairperson, in response to the receipt of a Request for Appeal, and at such other times as such Board may determine or specify in its rules or procedure. Public notice of the date, time, and place of a public meeting of the Board shall be given in the manner

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prescribed in [Section 9.6](#).

C. Quorum.

The Board of Appeals shall not conduct business unless a majority of members are present.

D. Majority Vote.

The concurring vote of three (3) members of the Board of Appeals shall be necessary to reverse any order, requirement, decision, or determination of any administrative official, or to decide in favor of the appellant on any matter upon which they are required to pass under any such Ordinance, or to effect any variation in such Ordinance.

E. Rules of Procedure and Records.

The Board of Appeals shall keep minutes of all its proceedings and shall keep records of its findings, proceedings at hearings, and other official action, all of which shall be immediately filed in the office of the Township Clerk and shall be a public record. The Board of Appeals shall adopt its own rule of procedure for its meeting.

Section 8.4 Procedures for Appeal

A. Request for Appeal.

1. The Board of Appeals shall, when called upon, act on all appeals that may be taken by any person aggrieved, or by an officer, department, board, or bureau of the Township, County, or State. It shall hear and decide appeals from, and review any order, requirement, decision, or determination made by, an administrative official and/or the Planning Commission charged with enforcement of any ordinance adopted pursuant to the provisions of [2006 PA 110](#), as amended. 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.**
 - a. Applications for appeals and/or variances along with fees determined by the Township Board shall be filed in triplicate with the Zoning Administrator. The application shall consist of a written, signed statement of the nature of the appeal, dimensioned plats or plans prepared in accordance with [Article 5](#) of the Ordinance, and any other pertinent information required by the Zoning Administrator. The officer from whom the appeal is taken shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from is taken.
 - b. Appeals from the ruling of the Township Zoning Administrator or Planning Commission (site plan review) may be made, within thirty (30) days of said ruling.

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- c. **Fees.** The Township Board may, from time to time, prescribe and amend by resolution, a reasonable schedule of fees to be charged to applicants for appeals to the Zoning Board of Appeals. At the time the notice for appeal is filed, said fee shall be paid to the Zoning Administrator.
- d. **Review of Application.** The Zoning Administrator shall have five (5) working days to review the submitted application and forward it to the Board of Appeals or contact the appellant for additional information.
- e. **Public Hearing Notice.** Upon receipt from the Zoning Administrator of an application for an appeal the Board of Appeals shall schedule a public hearing and shall give notice pursuant to [Section 9.6](#). The hearing shall be held as soon as possible, but not later than thirty (30) days from the receipt of the request by the Board of Appeals.

B. Stay.

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

C. Decision.

- 1. **Representation.** At the public hearing, any party may appear at the hearing in person, or may be represented by his agent or attorney.
- 2. **Timing.** The Board shall render a decision within a reasonable period of time. In deciding upon matters referred to, or upon which it is required to act under this Ordinance, the Board of Appeals shall, after public notice and hearing, take into consideration the public health, safety, and general welfare and apply appropriate conditions and safeguards in conformity with the general purpose and intent of this Ordinance and the [2006 PA 110](#), as amended.
- 3. **Decision.** Upon hearing of such appeals, the Board may affirm, change, or modify the ruling, decision, or determination, or make such other or additional determinations as it shall deem proper under the circumstances. The grounds for any such determination shall be stated in the records of the Board's proceedings. The concurring vote of a majority of the members of the Zoning Board of Appeals is necessary to reverse an order, requirement, decision, or determination of the administrative official or body, to decide in favor of the applicant on a matter upon which the Zoning Board of Appeals is required to pass under the Zoning Ordinance, or to grant a dimensional variance in the Zoning Ordinance.
- 4. **Conditions.** In granting the variance, the Zoning Board of Appeals may prescribe appropriate conditions and safeguards in conformity with [Section 9.8](#). Violations of such conditions and

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safeguards, when made part of the terms under which the variance is granted, shall be deemed a violation of this Ordinance and shall automatically invalidate the permit.

D. Circuit Court.

The decision of the Board of Appeals shall not be final, and any person aggrieved by such decision shall have the right to petition the Circuit Court on question of law and fact.

E. Approval Period.

No order of the Zoning Board of Appeals permitting the erection 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 such erection or alteration is started and proceeds to completion in accordance with the terms of such permit. A decision of the Zoning Board of Appeals does not expire on transfer of ownership of property.

Section 8.5 Powers & Duties

The Zoning Board of Appeals shall hear and decide all matters properly referred to the Board, or upon which the Board is required to act, under any Ordinance adopted pursuant to [2006 PA 110](#), as amended. The ZBA may hear appeals made by any person who alleges he or she has been aggrieved by a decision of the Zoning Administrator or Planning Commission. The Zoning Board of Appeals shall have the following jurisdiction:

A. Administrative Review.

The Board of Appeals may revise, reverse, or affirm, wholly or in part, or may modify the order, requirement, decision, or determination as in its opinion ought to be made in a particular case, and to that end shall have all the powers of the officer or board from whom the appeal is taken and may issue or direct the issuance of a permit.

B. Interpretation.

The ZBA may interpret the location of zoning district boundaries and may interpret the provisions of this Ordinance.

C. Non-Use Variances.

The ZBA may grant non-use variances as provided for in [Section 8.6](#).

D. Powers Not Granted.

1. **PUD and Special Uses.** The ZBA may not hear appeals from Planning Commission decisions concerning Special Land Use approvals or Planned Unit Developments.

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2. **Amendments.** Nothing herein contained shall be construed to give or grant to the ZBA the power or authority to alter or change this Ordinance or the Zoning Map, such power and authority being reserved to the Krakow Township Board in the manner provided by law.
3. **Use Variances.** No variance shall be granted to permit the establishment within a district of any use which is not included as a Permitted Use or for which a Special Land Use permit is required.

Section 8.6 Variances

Where there are practical difficulties deterring the carrying out of strict interpretation of this Ordinance, the Board of Appeals shall have the powers to vary or modify any of the rules, regulations, and provisions of the Ordinance by granting variances, provided that any variation granted from this Ordinance will not be contrary to the public interest and relates only to property under control of the appellant.

The following standards shall be used to determine practical difficulty:

- A. The need for the requested variance is due to unique circumstances or physical conditions of the property involved that do not apply generally to other properties in the surrounding area, such as narrowness, shallowness, shape, water, or topography and is not due to the applicant's personal or economic hardship.
- B. The need for the requested variance is not the result of action of the property owner or previous property owners (self-created).
- C. That strict compliance with regulations governing area, setback, frontage, height, bulk, density, or other dimensional requirements will unreasonably prevent the property owner from using the property for a permitted purpose or will render conformity with those regulations unnecessarily burdensome.
- D. Whether granting the requested variance would do substantial justice to the applicant as well as to other property owners in the district or whether granting a lesser variance than requested would give a substantial relief to the property owner and be more consistent with justice to other property owners.
- E. That the requested variance will not cause an adverse impact on surrounding property, property values, or the use and enjoyment of property in the neighborhood or zoning district.

Section 8.7 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 9.10](#) of this Ordinance.

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Article 9

Administration & Enforcement

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Section 9.1 Enforcement

A. Zoning Administrator/Deputy Zoning Administrator.

The provisions of the Ordinance shall be administered and enforced by a Township Zoning Administrator and/or deputy of same, designated and appointed by the Township Board. Said Zoning Administrator and/or deputy shall be compensated, subject to conditions and rate of pay as determined by the Township Board.

B. Duties.

1. The Zoning Administrator shall, among other duties, issue all permits and notices of violations provided for in this Ordinance.
2. The Zoning Administrator may conduct site inspections subject to the provisions of this Ordinance to determine compliance as needed.
3. The Zoning Administrator shall maintain permanent and correct records of the Ordinance including, but not limited to, zoning permits and certificates issued, all maps, amendments, Special Land Use permits, variations, and appeals.
4. If the Zoning Administrator shall find any violations of this Ordinance existing within the Township, he/she shall notify in writing the person or persons responsible for such violations, indicating the nature of the violation and ordering any and all action necessary to correct it. He shall order discontinuance of illegal use of land, buildings, or structures and removal of illegal buildings and structures or of illegal additions, and/or alterations. The Zoning Administrator shall also order discontinuance of illegal work in progress and shall take any further actions necessary to cause conformance with the requirements and intent of this Ordinance.

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5. The Zoning Administrator or his Deputy is the authorized local officer responsible to issue citations to those responsible for commuting municipal civil infractions as defined by [Section 9.9](#).

Section 9.2 Zoning Permit

A. Zoning Permit Required.

1. No building shall be constructed, altered, enlarged upon, or moved, except as otherwise provided for in this Ordinance, without a permit issued by the Zoning Administrator. No permit shall be issued except in strict conformance with the regulations set forth in this Ordinance.
 - a. A zoning permit is required for building or alteration of buildings including farm outbuildings.
 - b. A permit from the County Building Official is required for removal or demolition of existing buildings.
 - c. A zoning permit is not required for modifications when the dimensions of the structure being modified are not increased. A building permit may be required.
 - d. A zoning permit is not required for construction of deer blinds. Yard setbacks for the zoning district where the deer blind is located shall be adhered to.
2. The Zoning Administrator shall have the authority to issue permits and to make inspections of buildings or premises necessary to carry out his duties in the enforcement of this Ordinance.
3. It shall be illegal for the Zoning Administrator to issue any permits or approve any plans for construction or excavation until he has inspected such plans in detail and finds them to be in conformance with this Ordinance.

B. Zoning Permit Expiration.

The approved zoning permit shall expire if the building permit has not been obtained within a period of one (1) year from the date of issuance. Thirty (30) days prior to expiration of an approved site plan, an applicant may make application to the Zoning Administrator or Planning Commission, whichever originally approved the permit, for a one (1) year extension of the site plan approval. The Planning Commission shall grant the requested extension for this additional one (1) year if it finds good cause for the extension.

C. Property Staked.

The location of the property boundaries and all structures shall be staked on the ground for Zoning Administrator approval prior to the issuance of the Zoning Permit.

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D. Conformance with Approved Plans.

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

Section 9.3 Fees

A. Fee Schedule.

Except as otherwise provided for in this Ordinance, the Township Board shall, by resolution, adopt a fee schedule to be charged for all permits, certificates, and official actions required (such as administration of appeals). The Board may revise said fees, by resolution, provided public notice of such change is published in a newspaper having general local circulation. Said notice is to appear not more than thirty (30) days nor less than eight (8) days prior to the effective date of these revisions.

These fees shall be collected by the proper official prior to issuance of any permit or certificate and no permit is valid until the appropriate fee has been paid.

B. Purpose of Fees.

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. Additional Fees.

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 percent (10%) of the initial escrow deposit or less than ten percent (10%) 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

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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.

Section 9.4 Performance Guarantee

In connection with the construction of improvements through site plan approval, Special Land Use approval, or a PUD project, the Planning Commission may require the applicant to furnish the Township with a performance guarantee in the form of a cash deposit, certified check, irrevocable bank letter of credit, or surety bond acceptable to the Township in an amount equal to the estimated costs associated with the construction of public and site improvements. Public improvements mean, by way of example and not limitation, roads, parking lots, and water and sewer systems which are located within the development or which the applicant has agreed to construct even though located outside the development. Site improvements mean landscaping, buffering, 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 Treasurer 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 Treasurer prior to the commencement of construction of a new phase. The performance guarantee shall ensure completion of the public and site improvements in accordance with the plans approved by the Planning Commission. Any cash deposit or certified funds shall be refunded for the development or each phase of a multi-phase development in the following manner:

- A. One-third (1/3) of the cash deposit after completion of one-third (1/3) of the public and site improvements;
- B. Another one-third (1/3) of the cash deposit after completion of two-thirds (2/3) of the public and site improvements; and
- C. The balance at the completion of the public and site improvements.

Any irrevocable bank letter of credit or surety bond shall be returned to the applicant upon completion of the public improvements. If a development is to be completed in phases, then the Planning Commission may require the applicant to furnish a performance guarantee as provided in this Section for each phase 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 9.5 Interpretation & Conflicts

A. Interpretation and Conflicting Regulations and Rules.

The interpretation and application of the provisions of this Ordinance shall be held to be minimum requirements adopted for the promotion of the public health, safety, and general welfare. It is not the intent of this Ordinance to repeal, abrogate, annul, or in any way to impair or interfere with any existing provisions of law or ordinance other than the previous Krakow Township Zoning Ordinance, or with any rules, regulations, or permits previously adopted or issued or which shall be adopted or issued pursuant to the law relating to the use of buildings or premises, providing, however, that where this Ordinance imposes a greater restriction than is required by existing ordinances or rules, regulations, or permits, the provisions of this Ordinance shall take precedence except where legally superseded. Where any provision of this Ordinance differs from any other provision of this Ordinance, the more restrictive requirement shall prevail.

B. Conflicting Graphics, Tables, and Text.

The graphics, tables, and text used throughout this Ordinance are regulatory. In case of a conflict, text shall control over tables and graphics; tables shall control over graphics.

C. Subdivisions, Planned Unit Developments, Condominium Developments, and Other Associations.

Organizations of property owners, associations, and developments allowed by law and established within the Township shall provide that the zoning laws of this Township shall not be diminished by the articles and bylaws of such organizations.

Section 9.6 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:

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1. **Describe the nature of the request.** Identify whether the request is for a rezoning, text amendment, Special Land 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.
5. **Disabled access.** Information concerning how disabled access will be accommodated if the meeting facility is not disabled accessible.

C. Notice.

1. Except as noted in [Section 9.6.C.2](#) and [Section 9.6.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.
 - 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.

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- (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 9.6.C.1](#) above shall be the only notice required for an amendment to the Zoning Ordinance or the zoning map that affects eleven (11) or more properties.
3. For ordinance interpretations and appeals of administrative decisions by the Zoning Board of Appeals and requests that do not affect a specific property, the only notice required shall be to the applicant and by newspaper publication, as required in [Section 9.6.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 a list of property owners and registrants to whom notice was mailed, as well as of anyone to whom personal notice was delivered.
5. **Registration to Receive Notice by Mail.**
 - a. **General.** Each electric, gas, and pipeline utility company, each railroad, each telecommunication service provider, and the airport manager of each airport may register its name and address with the Township to receive written notice of all public hearings. The Township Clerk shall be responsible for providing this notification, as established by the Township Board.
 - b. **Requirements.** The requesting party must provide the Zoning Administrator information to ensure notification can be made.

Section 9.7 Use of Consultants

From time to time, the Township Board, Planning Commission, and/or Zoning Board of Appeals may employ planning, engineering, legal, traffic, or other special consultants to assist in the review of Special Land Use permits, site plans, re-zonings, or other matters related to the planning and development of the Township.

Section 9.8 Conditions

The Planning Commission and Zoning Board of Appeals may attach reasonable conditions on discretionary zoning decisions under their jurisdiction. These conditions may include those necessary to ensure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity, to protect

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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 9.9 Violations & Penalty

- A. Any person or organization who violates any of the provisions of this Ordinance has created a nuisance per se and shall be responsible for a municipal civil infraction, as defined by Section 113 of the [Revised Judicature Act of 1961, being Michigan Public Act 236 of 1961](#), as amended ("Public Act 236").
- B. The Krakow Township Zoning Administrator, the Krakow Township Supervisor, and other Township officials and employees as may be authorized by the Krakow Township Board of Trustees are authorized to administer and enforce this Ordinance and issue municipal civil infraction citations.
- C. A municipal civil infraction action may be commenced upon the issuance by an authorized local official of a citation directing the defendant to appear in court.
- D. Failure of the defendant to appear within the time specified on a citation or at the time scheduled for a hearing or appearance is a misdemeanor punishable by up to ninety (90) days in jail and/or up to a \$500.00 fine, plus costs of prosecution, and can result in the entry of a default judgment against the defendant on the municipal civil infraction.
- E. A defendant found responsible by the judge or magistrate for a violation of this Ordinance shall pay a fine not to exceed \$500.00, plus costs not to exceed \$500.00, which are not limited to the costs taxable in ordinary civil actions and may include all expenses, direct and indirect, to which the Township has been put in connection with the municipal civil infraction, up to the entry of judgment. Except as otherwise provided by law, costs shall be payable to the general fund of the Township.
- F. In addition to ordering a defendant to pay a civil fine and costs, the court may issue and enforce any judgment, writ, or order (including but not limited to injunctive relief) necessary to enforce this ordinance, in accordance with Section 8302 of [Public Act 236](#).

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- G. If a defendant fails to comply with an order or judgment issued pursuant to Section 8727 of **Public Act 236** within the time prescribed by the court, the court may proceed under Sections 8302, 8729, and 8731 of **Public Act 236**, as applicable.
- H. Each day on which any violation of this ordinance continues constitutes a separate offense, and the offender shall be subject to the applicable fine, costs, penalties, and sanctions for each separate offense.
- I. In addition to any remedies available at law, the Township may bring an action for an injunction or other process against a defendant to restrain, prevent, or abate any violation of this Ordinance.

Section 9.10 Rehearing Process

No application for variances or special exceptions which has been denied shall be resubmitted within one (1) year from the last date of denial, except as provided below:

A. Rehearing Performed by Planning Commission or ZBA.

The Planning Commission or Zoning Board of Appeals may grant a rehearing under exceptional circumstances for any decision made by it. A rehearing shall mean that the body which originally reviewed the request shall be the body which reviews the same request again. Exceptional circumstances shall mean any of the following:

1. The applicant who brought the matter before the Planning Commission or Zoning Board of Appeals made misrepresentations concerning a material issue, which was relied upon by the Planning Commission or Zoning Board of Appeals in reaching its decision.
2. There has been a material change in circumstances regarding the Planning Commission or Zoning Board of Appeals' findings of fact, which occurred after the site plan review or public hearing.
3. The Township attorney, by written opinion, states that the decision made by the Planning Commission or Zoning Board of Appeals or the procedure used in the matter was clearly erroneous.

B. 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. **Time Limit.** A request for a rehearing which is made by an applicant must be made within twenty-one (21) days from the date on which the applicant receives notification regarding the decision for which the rehearing is being requested.

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2. A request for a rehearing made by the Zoning Administrator or a rehearing granted by the Planning Commission or Zoning Board of Appeals on its own motion may be granted at any time as long as the applicant has not been prejudiced by any delay.
3. Whenever the Planning Commission or Zoning Board of Appeals considers granting a rehearing, it shall provide written notice to the applicant that a rehearing will be considered. The notice may be served upon the applicant by first class mail at the applicant's last known address or may be served personally on the applicant. The notice must be served at least nine (9) days before the time set for the hearing if served by mail, or at least seven (7) days before the time set for the hearing if served by personal service. Service by mail shall be complete upon mailing. In addition to serving the above notice on the applicant, all other notice requirements for the type of decision being heard shall be completed before the Planning Commission or Zoning Board of Appeals holds a hearing at which it considers whether to grant a rehearing.
4. If the Planning Commission or Zoning Board of Appeals grants a rehearing, then the rehearing shall not be held until all notice requirements for the type of decision being reheard have been satisfied.

Section 9.11 Action 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.

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Type of action	Parties who may initiate action	Body making decision	Public hearing required	Published notice(s)- Number of days before hearing	Mailed notice to all owners and occupants within 300 feet - Days before hearing	Body to which applicant may appeal a denial
Plot plan approval, accessory bldgs, change of use, fences, signs, food trucks - §5.1	Applicant	ZA	No	----	----	ZBA
Multiple-Family, Commercial, Industrial, Utility & Institutional Structures/Uses - §5.1	Applicant	PC	No	----	----	ZBA
Special Land Use	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 decision	Any aggrieved party	ZBA	Yes	Not less than 15 days	Not less than 15 days	Circuit Court
Rezoning or Text Change (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
		Presque Isle County Planning Commission reviews amendment & provides comment (30 days)				
		Step 2: TB	No	----	----	----
		Step 3: TB publishes Notice of Adoption in newspaper (within 15 days after adoption). Rezoning (map amendment) goes into effect on the 8 th day after publication.				
Zoning Ordinance Enforcement	ZA	----	----	----	----	ZBA

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

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|----------------------------------|-----------------------------------|----------------------------------|---------------------------------------|----------------------------------|
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Article 10

Adoption and Amendment

Sec	Name	Pg	Sec	Name	Pg
10.1	Amendment to this Ordinance	10-1	10.6	Vested Right	10-7
10.2	Processing of Amendment	10-1	10.7	Rights & Remedies	10-7
10.3	Rezoning Standards	10-2	10.8	General Responsibility	10-7
10.4	Conditional Rezoning	10-3	10.9	Repeal & Savings Clause	10-7
10.5	Severability	10-7	10.10	Adoption & Effective Dates	10-8

Section 10.1 Amendment to this Ordinance

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. Proposals for amendments may be initiated by the Township Board, the Planning Commission, or by petition of one (1) or more property owners affected by such proposed amendment.

Section 10.2 Processing of Amendment

The procedure for amending this Ordinance shall be as follows:

A. Filing of Amendment Petition.

Each petition, by one (1) or more persons, for an amendment shall be submitted by application to the Zoning Administrator on a standard form provided and shall be accompanied by the fee as prescribed by the Township Board. No part of such fee shall be returnable to a petitioner if the public hearing is held.

B. Planning Commission Action.

1. The Zoning Administrator shall transmit the amendment request to the Planning Commission.
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. **Public Hearing.** Before ruling on any proposal the Planning Commission shall conduct at least one (1) public hearing; notice of the time and place of which shall be given pursuant to [Section 9.6](#). If the property involved adjoins another unit of government, the proper officials are to be given notice of the public hearing and shall also be given an opportunity to comment on any coordinated action or review deemed necessary.

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4. **Submission to County Planning Commission.** Following the public hearing the Planning Commission shall submit the proposed amendment including any zoning map changes to the County Planning Commission. If the recommendation of the County Planning Commission has not been received within thirty (30) days after the receipt of the Ordinance by the County, it shall be conclusively presumed that the County has waived its right for review.
5. **Submission to Township Board.** After receipt of a response from the County Planning Commission or upon expiration of the thirty (30) day period if no response is received, 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.

1. **Optional Public Hearing.** The Township Board may hold an additional public hearings if they decide it is necessary. Notice of such hearing shall be published in a newspaper, which circulates in the Township not less than fifteen (15) days before the hearing.
2. **Township Board Decision.** Any property owner or tenant who has filed to the Township Board a written request to be heard on the proposed amendment shall be heard by the Township Board at its meeting at which the proposed amendment is to be considered. The Township Board may adopt or reject any proposed amendment or refer back to the Planning Commission for further review as prescribed in the [Michigan Zoning Enabling Act, 2006 PA 110](#), as amended.
3. **Notice of Adoption.** Once adopted by the Township Board, amendments to this Ordinance shall be filed with the Township Clerk, and one (1) notice of adoption shall be published in a newspaper of general circulation in the Township within fifteen (15) days after adoption. Any amendments to this Ordinance shall take effect on the eighth day after publication or at a later date as may be specified by the Township Board at the time of adoption.

D. Resubmittal.

A petition for rezoning can be submitted once within a twelve (12) month period unless granted a rehearing pursuant to [Section 9.10](#).

Section 10.3 Rezoning Standards

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 Krakow Township Master Plan?
- B. Is the proposed rezoning reasonably consistent with surrounding uses?
- C. Will there be an adverse physical impact on surrounding properties?

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- D. Will there be an adverse effect on property values in the adjacent area?
- E. Have there been changes in land use or other conditions in the immediate area or in the community in general which justify rezoning?
- F. Will rezoning grant a special privilege to an individual property owner when contrasted with other property owners in the area or the general public (i.e. will rezoning result in spot zoning)?
- G. Is the site served by adequate public facilities or is the petitioner able to provide them?

Section 10.4 Conditional Rezoning

A. Intent.

It is recognized that there are certain instances where it would be in the best interests of the Township, as well as advantageous to property owners seeking a change in zoning boundaries, if certain conditions could be proposed by property owners as part of a request for a rezoning. It is the intent of this Section to provide a process consistent with Section 405 of the [Michigan Zoning Enabling Act, 2006 PA 110](#), as amended, by which an owner seeking a rezoning may voluntarily propose conditions regarding the use 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.
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 Land Use permit, variance, or site plan approval under the terms of this Ordinance may only be commenced if the Special Land 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

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owner may withdraw all or part of its offer of conditions any time prior to final rezoning action of the Township Board provided that, if such withdrawal occurs subsequent to the Planning Commission’s public hearing on the original rezoning request, then the rezoning application shall be referred to the Planning Commission for a new public hearing with appropriate notice and a new recommendation.

C. Planning Commission Review.

The Planning Commission, after public hearing as set forth in [Section 9.6](#) of this Ordinance and consideration of the factors set forth in [Section 10.3](#) (except 10.3.F) of this Ordinance, may recommend approval, approval with recommended changes, or denial of rezoning provided, however, that any recommended changes to the offer of conditions are acceptable to and thereafter offered by the owner.

D. County Planning Commission Review.

Following the public hearing before the Township Planning Commission, the conditional rezoning application shall be submitted to Presque Isle County as specified in [Section 10.2.B.4](#) for not more than thirty (30) day review period, according to the provisions of Section 307 of the [Michigan Zoning Enabling Act, 2006 PA 110](#), as amended.

E. Township Board Review.

After receipt of the Planning Commission’s recommendation, the Township Board shall deliberate upon the requested conditional rezoning and may approve or deny the request. Should the Township Board consider amendments to the proposed conditional rezoning advisable and if such contemplated amendments to the offer of conditions are acceptable to and thereafter offered by the owner, then the Township Board shall, in accordance with Section 401 of the [Michigan Zoning Enabling Act, 2006 PA 110](#), as amended, refer such amendments to the Planning Commission for a report thereon within a time specified by the Township Board, and proceed thereafter in accordance with said statute to deny or approve the conditional rezoning with or without amendments.

F. Approval.

1. If the Township Board finds the rezoning request and offer of conditions acceptable, the offered conditions shall be incorporated into a formal written Statement of Conditions acceptable to the owner and conforming in form to the provisions of this Section. The Statement of Conditions shall be incorporated by attachment or otherwise as an inseparable part of the Ordinance adopted by the Township Board to accomplish the requested rezoning.
2. The Statement of Conditions shall:
 - a. Be in a form recordable with the [Presque Isle 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.

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- 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 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.

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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 twenty-four (24) months after the rezoning took effect and thereafter proceeded diligently to completion. This time limitation may upon written request be extended by the Township Board if (1) it is demonstrated to Township Board’s reasonable satisfaction that there is a strong likelihood that the 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 revert to its former zoning classification. The reversion process shall be initiated by the Township Board requesting that the Planning Commission proceed with consideration of rezoning of the land to its former zoning classification. The procedure for considering and making this reversionary rezoning shall be the same as applies to all other rezoning requests.

J. Subsequent Rezoning of Land.

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.
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.

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M. Failure to Offer Conditions.

The Township shall not require any owner to offer conditions as a requirement for rezoning. The lack of an offer of conditions shall not affect an owner’s rights under this Ordinance.

Section 10.5 Severability

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

Section 10.6 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; and, they are hereby declared to be subject to subsequent amendment, change, or modification as may be necessary in the preservation or protection of the public’s health, safety, and welfare.

Section 10.7 Rights & Remedies

The rights and remedies provided herein are cumulative and in addition to any other remedies provided by law.

Section 10.8 General Responsibility

The Township Board or its duly authorized representative is hereby charged with the duty of enforcing this Ordinance and said Board is hereby empowered to begin and pursue any and all necessary and appropriate actions and/or proceedings in the Circuit Court or any other court having jurisdiction to restrain and/or prevent any noncompliance with or violation of any of the provisions of this Ordinance, and to correct, remedy, and/or abate such noncompliance or violation. It is further provided that any person aggrieved or adversely affected by such a noncompliance or violation may institute suit and/or join the Township Board in such a suit to abate the same.

Section 10.9 Repeal & Savings Clause

- A. This Ordinance repeals and replaces any previous Krakow Township Zoning Ordinance in its entirety.
- B. The repeal of any Krakow Township Zoning Ordinance, as provided, shall not affect any rights acquired, fines, penalties, forfeitures, liabilities incurred there under, 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

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Ordinance for the purpose of such rights, fines, penalties, forfeitures, liabilities, and actions therefore.

Section 10.10 Adoption & Effective Dates

- A. This Ordinance was adopted on July 14, 2020 by the Krakow Township Board of Trustees and will be effective July 30, 2020. The foregoing Zoning Ordinance and Zoning Map were presented at a public hearing before the Planning Commission on May 28, 2020.
- B. Amendments or revision to this Ordinance or Map of Zoning Districts shall become effective eight (8) days after publication, or a specified later date, of a notice of adoption of said amendments or revisions within fifteen (15) days of adoption in accordance with the [Michigan Zoning Enabling Act, 2006 PA 110](#), as amended.

I hereby certify that the above Ordinance was adopted by the Krakow Township Board at a regular meeting held on July 14, 2020.

Elaine Misiak,
Krakov Township Clerk

Published: July 23, 2020

Effective Date: July 30, 2020

Affidavit of Publication Required.

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