

MIKADO TOWNSHIP ZONING ORDINANCE

Mikado Township
Alcona County
Michigan

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ARTICLE 1: PURPOSE AND AUTHORITY

Section 1.0 - Purpose

It is the purpose of this Ordinance to regulate and restrict the location of trades and industries, the location of buildings designed for specified uses, and for such purposes, to divide Mikado Township into zoning districts. Within each district, regulations shall be imposed designating the allowed uses for buildings and structures and designating the trades and industries that are permitted or excluded or subjected to special regulations. The designations shall be made in accordance with a plan designed to lessen the congestion on the public streets, to promote the public health, safety, and general welfare and shall be made with reasonable consideration given to the character of the district, its particular suitability for particular uses, the preservation of property values, and the general trend and character of building and population development.

The purpose and intent of the Sections 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 that cause negative secondary effects upon nearby residential, educational, religious and other similar public and private uses. The regulation of sexually oriented businesses is necessary to ensure that their negative secondary effects will not contribute to the blighting or 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 that are prohibited by Township ordinance, 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.

The purpose and intent of the Section of this ordinance pertaining to wireless telecommunications towers, structures and antennas is to establish general guidelines for the location of wireless telecommunication towers, alternative tower structures and antennas. The Township recognizes that it is in the public interest to permit the location of wireless telecommunication towers, alternative tower structures and antennas within the Township. The Township also recognizes the need to protect the scenic beauty of Mikado Township from unnecessary and unreasonable visual interference, and that wireless telecommunication towers, alternative tower structures and antennas may have negative aesthetic impacts upon adjoining and neighboring uses. As such, this ordinance seeks to:

- A. Protect residential areas from potential adverse impact of towers and antennas;
- B. Encourage the location of towers in nonresidential areas;
- C. Minimize the total number of towers throughout the community;
- D. Encourage the joint use of new and existing tower sites rather than the construction of additional towers;
- E. Encourage developers of towers and antennas to configure them in a way that minimizes their adverse visual impact;
- F. Enhance the ability of providers of telecommunication services to provide such services to the community quickly, effectively, and efficiently;
- G. Consider the public health and safety of telecommunication towers and alternative tower structures; and
- H. Avoid potential damage to adjacent property from tower failure.

Section 1.1 - Authority

This Ordinance is enacted into law pursuant to Act 110, Public Acts of 2006, as amended.

Section 1.2 - Title

This ordinance shall be known as the Mikado Township Zoning Ordinance of 2006 and shall be referred to herein as "this Ordinance."

ARTICLE 2: DEFINITIONS

Section 2.0 - Rules Applying to Text

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

- A. The particular shall control the general.
- B. In the case of any difference of meaning or implication between the text of this ordinance and any caption, the text shall control.
- C. The word "shall" is always mandatory and never discretionary. The word "may" is permissive.
- D. Words used in the present tense shall include the future; words in the singular number shall also denote the plural and the plural shall also 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", such conjunction shall be interpreted as follows:
 - 1. "And" denotes that all the connected items, conditions, provisions, or events apply in combination.
 - 2. "Or" indicates that the connected items, conditions, or provisions, or events may apply singly or in any combination.
- H. The term "person" shall mean an individual, firm, corporation, association, partnership, limited liability company or other legal entity, or their agents.
- I. Any word or term not defined herein shall be assumed to have the meaning customarily assigned them.
- J. "Township" shall refer specifically to Mikado Township.
- K. Any necessary interpretation of this Ordinance shall be made by the Mikado Township Zoning Board of Appeals.

Section 2.1 - Definitions

For the purpose of this Ordinance, the following terms and words are defined as follows:

Abandoned Sign: A sign, which no longer advertises or identifies a business, lessor, owner, or activity conducted upon or product available on the premises where such sign is displayed.

Accessory Apartment: A dwelling unit accessory to a single-family residence, located in the principal residential structure. An accessory apartment commonly has its own kitchen, bath, living area, sleeping area, and usually a separate entrance.

Accessory Building or Accessory Structure: A supplemental building or structure devoted to an accessory use and located on the same lot or parcel of land as the main

building, or buildings. Such accessory use shall not include any building used for dwelling, residential or lodging purposes, or sleeping quarters for human beings. An accessory structure attached to a main structure shall be considered part of the main structure

Accessory Building or Accessory Structure, Temporary: An accessory structure 200 square feet or less with no permanent footings or foundations and/or no water/sewer connections.

Accessory Dwelling Unit: A dwelling unit accessory to a single-family residence with its own kitchen, bath, living area, sleeping area, and separate entrance.

Accessory Sign: A subordinate sign for information or directional purposes only and that is located on the same lot or parcel as the principle sign (i.e. parking signs).

Accessory Use: A use or activity normally and naturally incidental to, subordinate to, and devoted exclusively to the principal use of the land or buildings, including all structures detached from the principal structure above and below ground; such as garages, sheds, barns, television satellite dishes, and designed surface structures and areas.

Acreage, Net: The actual land available for development within a parcel after the exclusion of road rights-of-way and other such areas not available for development purposes (i.e. because of steep slopes, wetlands, and the like).

Adjacent Property: Property, which adjoins any side or corner of a specific parcel of land.

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

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

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

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

Adult Cabaret: A nightclub, bar, restaurant, or similar commercial establishment that regularly features:

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

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

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

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.

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.

Agriculture: The art and science of cultivating the ground for the purpose of raising and

harvesting trees, fruit or field crops, or animal husbandry for economic gain.

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

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.

Animal Hospital: A self-enclosed building wherein animals including domestic household pets and farm animals are given medical or surgical treatment and use as a boarding place for such animals limited to short time boarding incidental to hospital use. Such hospitals include only those under direction of a licensed veterinarian registered in the State of Michigan.

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

Animated or Moving Sign: A sign that uses movement, lighting, or special materials to depict action or create a special effect to imitate movement.

Antenna: Any exterior transmitting or receiving device mounted on a tower, building or structure and used in communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio signals or other communication signals.

Apartment: The term "Apartment" shall mean the dwelling unit in a multiple dwelling as defined herein:

Efficiency Unit: A dwelling unit consisting of not more than one (1) room, in addition to kitchen, dining and necessary sanitary facilities, and for the purpose of computing density shall be considered as a one (1) room unit.

One Bedroom Unit: A dwelling unit consisting of not more than two (2) rooms, in addition to kitchen, dining and necessary sanitary facilities, and for the purpose of computing density, shall be considered as a two (2) room unit.

Two Bedroom Unit: A dwelling unit consisting of not more than three (3) rooms, in addition to kitchen, dining and necessary sanitary facilities, and for the purpose of computing density, shall be considered as a three (3) room unit.

Three or More Bedroom Unit: A dwelling unit wherein for each room in addition to the three (3) rooms permitted in a two (2) bedroom unit, and for the purpose of computing density, said three (3) bedroom unit shall be considered a four (4) room unit, and each increase in a bedroom over three (3) shall be an increase in the room count by one (1) over the four (4).

Apartment, Accessory: See "Accessory Apartment"

Appeal: See "Zoning Appeal"

Applicant: any person that applies for a permit.

Application: the process by which the owner of a parcel of land within the township submits a request to develop, construct, build, modify, or erect a structure or commence a Special Use upon such parcel of land. Application includes all written documentation, verbal statements and representations, in whatever form or forum, made by an applicant to the township concerning such a request.

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

Area of Sign: The entire area within a circle, triangle, parallelogram or any other shape which encloses the extreme limits of writing, representation, emblem, logo, or any other figure or similar character, together with any frame or other material or color forming an integral part of the display or used to differentiate the sign from the background against which it is placed, excluding only the structure necessary to support the sign.

Where a sign consists solely of writing, representation, emblems, logos, or any other figure of similar character which is painted or mounted on a wall or fence, without a distinguishing border the area of such sign shall be computed as if it were framed by a border consisting of horizontal and vertical lines extending not more than six (6) inches from such sign elements.

Automobile Car Wash: A building, or portions thereof, the primary purpose of which is that of washing motor vehicles.

Automobile Repair: A place where, with or without the sale of engine fuels, the following services may be carried-out: general repair, engine rebuilding, rebuilding or reconditioning of motor vehicles; collision service, such as body, frame or fender straightening and repair; or painting and undercoating of motor vehicles.

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

Automobile Service Station: A place where gasoline or any other automobile engine fuel (stored only in underground tanks), kerosene or motor oil and lubricants or grease (for operation of motor vehicles) are retailed directly to the public on premises; including sale of minor accessories and service for automobiles.

Automobile or Trailer Sales Area: Any enclosed building or area or open space used for display, sales, or rental of motor vehicles or trailers in new or used and operable condition.

Automobile Storage, Damaged: Any storage of inoperable vehicles intended to be repaired back to operable condition, but not including such vehicles which are incidental or accessory to an automotive repair garage or a licensed salvage yard used as a depository for such vehicles.

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

Awning: Roof-like cover that projects from the wall of a building for the purpose of shielding a doorway or window from the elements.

Awning Sign: A sign painted on, printed on, incorporated in, or attached flat against the surface of an awning.

Banner, Flag, or Pennant: Any cloth, bunting, plastic, paper, or similar non-rigid material used for advertising purposes attached to any structure, pole, line, framing, or vehicle, not including the official flags of the United States, the State of Michigan, and other states of the nation, counties, municipalities, official flags of foreign nations and nationally or internationally recognized organizations.

Basement: That portion of a building partly below grade, but so located that the vertical distance from the grade level to the basement floor is greater than the vertical distance from the grade level to the basement ceiling. A basement shall not be included as a story for height measurement, nor counted as floor area, unless the room has walkout capability. A "walkout basement" shall be defined as a room with at least one wall below grade, which provides barrier free access to the exterior of the structure and with at least fifty percent of one wall with no grade. Basements must have fire escape routes as designated in the Alcona County Building Code.

Bed and Breakfast Facility: Any family occupied dwelling used or designed in such a manner that certain rooms in excess of those used by the family are rented to the transient public for compensation.

Bedroom: A bedroom is a dwelling room used for or intended to be used safely for sleeping purposes by human beings.

Billboard: An outdoor sign advertising services or products, activities, persons, or events which are not made, produced, assembled, stored, distributed, leased, sold, or conducted upon the premises upon which the billboard is located. Billboards may also be referred to as off-premise signs.

Blade/Bracket Sign: A sign that projects in a perpendicular manner from a structure (bracket sign) or is hung beneath a canopy (blade sign).

Board of Appeals: See "Zoning Board of Appeals"

Boarding House - Rooming House: A building other than a hotel where, for compensation and by prearrangement for definite periods, meals or lodging and meals are provided for three (3) persons or more.

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

Bordering Lands: All lands adjacent to a parcel of land, including, but not limited to, those lands separated from the parcel by a road right-of-way, easements or public utility right-of-ways.

Breezeway: Any covered passageway with open sides between two buildings.

Buffer Strip: A strip of land not less than ten (10) feet in width for the planting of shrubs and/or trees to serve as an obscuring screen to carry out the requirements of this Ordinance. See also "Greenbelt". When a screen buffer is required, it shall consist of a dense evergreen planting or a solid fence or wall.

Buildable Area: That portion of a lot remaining after the minimum setback and open space requirements of this Ordinance have been complied with.

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

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

Building, Farm: Any building or structure other than a dwelling, maintained, used or built on a farm which is essential and customarily used on farms for the pursuit of their agricultural activities, including the storage or housing of farm implements, produce or farm animals.

Building Height: The vertical distance measured from the highest natural grade to the highest part of the roof.

Building Line: A line formed by the face of the building, and for the purposes of this ordinance, a minimum building line is the same as the front setback line.

Building, Main: See "Building, Principal".

Building Permit: A building permit is the written authority issued by the Alcona County Building Inspector in conformity with the provisions of the Construction Code Ordinance.

Building, Principal: A building in which is conducted the principal use of the premises on which it is situated.

Cabin: A detached building that is used for seasonal occupancy, but not including motels or migrant housing.

Cabin Court: One (1) or more cabins used for seasonal occupancy as dwelling or sleeping quarters for transients or tourists for a fee.

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

Canopy: A permanent roof-like shelter that extends from part or all of a building face and is constructed of non-rigid material, except for the supporting framework.

Canopy Sign: Any sign attached to or constructed within or on a canopy.

Changeable copy sign: A sign designed so that the message displayed can be changed continuously.

Child Care Facility: A facility for the care of children (persons under 18 years of age), as licensed and regulated by the state under Act 116 of the Public Acts of 1973, being M.C.L.A. §§ 722.111 through 722.128 as amended, and the associated rules promulgated by the State Department of Human Services. Such organizations shall be further defined as follows:

- A. **Family Day Care Home:** A private home operated by a Michigan licensed day care operator in which at least one (1) but less than (7) seven children are received for care and supervision for periods of less than twenty-four (24) hours a day, unattended by a parent and/or legal guardian, not including children related to an adult member of the resident family by blood, marriage or adoption. It includes a home that gives care to an unrelated child for more than four (4) weeks during a calendar year.
- B. **Group Day Care Home:** A private home operated by a Michigan licensed day care operator in which more than six (6) but not more than twelve (12) children are given care and supervision for periods less than twenty-four (24) hours a day, unattended by a parent and/or legal guardian, not including children related to an adult member of the resident family by blood, marriage or adoption. It includes a home that gives care to an unrelated child for more than four (4) weeks during a calendar year.
- C. **Child Care Center or Day Care Center:** A facility, other than a private residence, receiving one (1) or more preschool or school-age children for care for periods of less than twenty-four (24) hours a day, 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, or drop-in center.

D. **Private Home:** A private residence in which the registered facility operator permanently resides as a member of the household.

Clearance (of a sign): The smallest vertical distance between the grade of the adjacent street or street curb and the lowest point of any sign, including framework and embellishments, extending over that grade.

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

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

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

College: A place of higher learning providing facilities for teaching and research of a general, technical, or religious nature, either public or private, and which is operated on a nonprofit basis.

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

Commission: Mikado Township Planning Commission. (*The ZEA eliminates "zoning commissions" and so should the ordinance.*)

Common Areas, Uses and Services: Land areas, improvements facilities and utilities, the use, enjoyment and maintenance of which are intended to be shared by the owners and occupants of individual building units in a subdivision or a planned development.

Condominium Unit: That portion of a condominium development designed and intended for separate ownership and use consistent with the provisions of the master deed, regardless of whether it is intended for residential, office, industrial, business, recreational, use as a time share unit or any other type of use.

Construction Code: Means the Michigan State Construction Code or any Code established in accordance with its provisions or adopted by reference thereunder.

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

Copy: The wording on a sign surface in either permanent or removable letter form.

Cottage Industry: a home-based service conducted entirely within an accessory structure.

Deck: An unroofed structure used for outdoor living purposes that may or may not be attached to a building and which protrudes more than four inches above finished grade.

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

District: "District" as used herein is synonymous with the word "zone" or "zoning district". See "Zoning District"

Dock: A temporary or permanent structure, built on or over the water, supported by pillars, pilings, or other supporting devices.

Drive-in Establishment: Any establishment which offers goods and services over the counter or in motor vehicles.

Drive-in Restaurant: A Drive-in Restaurant shall be deemed to be any restaurant designed to permit or facilitate the serving of meals, sandwiches, ice cream, beverages, or other food served directly to or permitted to be consumed by patrons in cars or other vehicles parked on the premises, or permitted to be consumed by patrons elsewhere on the site outside the main building.

Driveway: A driveway is that portion of a lot intended to be the area upon which vehicles travel from a road (private or public) to a dwelling or other improvements located upon the lot. One (1) driveway may provide access to not more than two (2) units.

Dwelling Unit: A building or portion of a building, either site-built or pre-manufactured which has sleeping, living, cooking and sanitary facilities and can accommodate one 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, truck, bus, motor home, tent or other such portable structures be considered a dwelling unit.

Dwelling, Farm: A dwelling used to house the principal family operating the farm, and which is accessory to the operation of the farm, which is the principal use of the land upon which it is located.

Dwelling, Manufactured: A factory-built, single-family structure that is transportable in one (1) or more sections, is built on a permanent chassis, is designed to be used as a dwelling with or without a permanent foundation, is designed to be used as a dwelling when connected to the required utilities, and includes the plumbing, heating, and electrical systems in the structure, but which is not constructed with a permanent hitch or other device allowing transport of the unit other than for the purpose of delivery to a permanent site and which does not have wheels or axles permanently attached to its body or frame. A manufactured home is constructed according to the National Mobile Home Construction and Safety Standards Act of 1974, as amended. The manufactured

home shall meet the minimum floor area requirements of this Zoning Ordinance and installed in accordance with all of the other requirements of this Ordinance specified for dwellings when located outside of a licensed Manufactured Housing Development.

Dwelling, Multiple-Family: A building containing more than two (2) dwelling units designed for residential use.

Dwelling, Single-Family: A detached building containing not more than one (1) dwelling unit designed for residential use.

Dwelling, Two Family or Duplex: A dwelling structure designed exclusively for occupancy by two (2) families independent of each other.

Easement: The right of a person, government agency, or public utility company to use public or private land owned by another for a specific purpose.

Efficiency Unit: A dwelling unit consisting of one (1) room, exclusive of bathroom, hallway, closets, and the like providing not less than three hundred and fifty (350) square feet of usable floor area.

Erected: Includes built, constructed, reconstructed, moved upon or any physical operation on the premises intended or required for a building or structures. Excavation, fill drainage, land clearing, and general property improvements are not considered part of this definition.

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

Excavation: Any breaking of ground resulting in the removal of sand, stone, gravel, or dirt, except farm use, common household gardening and ground care.

Family: An individual, or two (2) or more persons related by blood, marriage or adoption, or a group of not to exceed four (4) persons not related by blood or marriage, occupying the premises and living as a single non-profit housekeeping unit with single culinary facilities, as distinguished from a group occupying a boarding house, lodging house, hotel, club, fraternity or similar dwelling for group use.

Farm: The use of contiguous, neighboring, or associated land operated as a single unit by the owner-operator, manager, or tenant-farmer by his own labor or with the assistance of members of his household or hired employees for the purpose of agricultural use.

Farm, Domestic: A parcel of land with a residence 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 household consumption or educational experience, raising crops vegetables, flowers and general gardening activities. Dogs, cats and other typical household pets are not regulated as a Domestic Farm (see Definition of Kennel).

Farm, Commercial: Structures, buildings, facilities and lands for carrying on any agricultural activity or the raising of livestock or small animals as a source of income. To be considered a Commercial Farm, the farm must meet one of the following requirements: 1) Forty (40) acres or more in size or 2) a Specialty Farm, as defined by the Michigan Department of Agriculture, on fifteen (15) or more acres and producing an annual gross income of at least \$2,000.00 from agricultural use.

Farm Use Building: For a building to be considered a "Farm Use Building" the property must be actively farmed and considered a Commercial Farm by definition and over half the land of the contiguous parcel must be tillable and/or pasture.

Fence: A permanent partition, structure or gate erected as a dividing marker, barrier or enclosure, and not a part of a principal building or structure or other accessory structure. An ornamental fence is one that is less than three (3) feet in height, and is normally used in setting off planting areas and gardens.

Filling: The depository or dumping of any matter into or onto the ground, except common household gardening and general care.

Filling Station: See "Automobile Service"

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

Free Standing Sign: A sign supported by permanent uprights or braces in the ground.

Garage-Commercial: A building, or part thereof, designed or used for equipping, servicing, repairing, hiring, storing, or parking motor vehicles. The term repairing does not include the rebuilding, dismantling or storage of wrecked or junked vehicles.

Garage-Private: An accessory building not to exceed the height of the principal structure and which is used primarily for the storage of vehicles for the use of the occupants of a lot on which such building is located.

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

Grade: The lowest ground elevation established for the purpose of regulating the number of stories and the height of buildings. The building grade shall be the lowest level of the ground adjacent to the walls of the building.

Greenbelt: A strip of land not less than ten (10) feet in width for the planting of shrubs and/or trees to serve as an obscuring screen to carry out the requirements of this Ordinance.

Greenbelt, Shoreline: A strip fifty (50) feet wide parallel to the bank of a stream or lake maintained in trees and shrubs or in its natural state to serve as a waterfront buffer.

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.

Heavy Industry: Manufacturing, fabricating activities or other large scale specialized industrial operations having external effects that will be felt to some degree by surrounding uses.

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

Home Occupation: A profession, occupation, activity or use conducted within a dwelling which is clearly incidental and secondary to the use of the lot and dwelling for residential purposes.

Hospital: An institution providing health services, primarily for inpatients and medical or surgical care of the sick or injured, including as an integral part of the institution, such related facilities as laboratories, outpatient departments, training facilities, central service facilities and staff offices.

Hotel: A building occupied or used as a predominantly temporary abiding place by individuals or groups of individuals, with or without meals, and in which building there are more than five (5) sleeping rooms and in which rooms there is no provision for cooking.

Illegal Sign: A sign which does not meet the requirements of this Ordinance and which has not received legal nonconforming status.

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

Industrial Park: A special or exclusive type of planned industrial area designed and equipped to accommodate a community of industries, providing them with all necessary

facilities and services in attractive surroundings among compatible neighbors.

Junk: All rubbish, refuse, waste material, garbage, including, but not limited to, the following: waste composed of animal, fish, fowl, fruit or vegetable matter, dead animals, putrescible and nonputrescible solid waste (except body wastes), ashes, glass, cans, bottles, discarded or abandoned machinery, household appliances, industrial wastes, discarded, inoperative, dismantled or partially dismantled motorized vehicles or parts thereof. This shall not preclude home or farm composting for on-site use.

Junkyard: An open area where waste, used or second hand materials are bought and sold, exchanged, stored, baled, packed, disassembled or handled including, but not limited to scrap or other metals, paper, rags, rubber tires and bottles. A "Junkyard" includes automobile wrecking yards and includes any area of more than two hundred (200) square feet for storage, keeping or abandonment of junk, but does not include uses established entirely within enclosed buildings. Also, any premises upon which three or more unlicensed used motor vehicles which cannot be operated under their own power are kept or stored for a period of fifteen (15) days or more.

Kennel: Any lot or premises on which four (4) or more dogs, cats, or other household pets of the same species six (6) months of age or older are kept temporarily or permanently. Kennel shall also include any lot or premise where household pets are bred or sold.

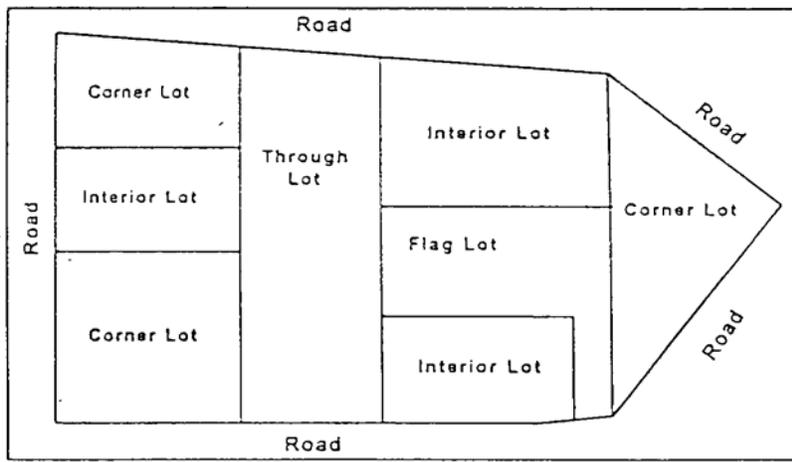
Landscaping: Any combination of existing or planted trees, shrubs, vines, ground covers, flowers, lawns, fences, fountains, pools, artworks, screens, walls, benches, walks, paths, steps, terraces and garden structures.

Land Use Permit: See "Zoning Permit".

Livestock: Domesticated animals raised for home use or profit. Livestock includes such farm animals as horses, pigs, poultry, cows, goats, sheep, fowl, rabbits, camelids and similar animals.

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

Lot: The parcel of land or site condominium unit occupied or to be occupied by a use or building and its accessory buildings or structures together with such open spaces, minimum area, and width required by this Ordinance for the district in which located, but not including any area within any abutting right-of-way or traffic lane.



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

Lot Coverage: The part or percent of the lot occupied by buildings or structures, including accessory buildings or structures. This shall be deemed to include all buildings, porches, arbors, breezeways, patio roofs, and the like, whether open box type and/or lathe roofs or, fully roofed, but shall not include fences, walls or hedges used as fences or swimming pools.

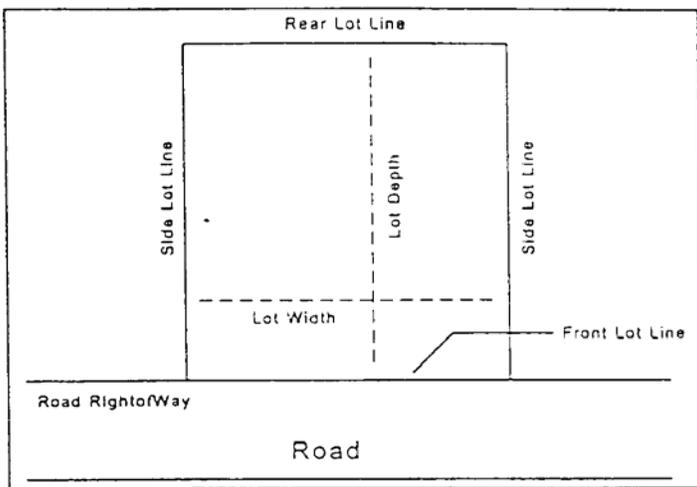
Lot Depth: The horizontal distance between the front and rear lot lines, measured along the median between the side lot lines.

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

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

Lot Lines: The exterior perimeter boundary lines of a lot or parcel.

Lot Line, Front: In the case of an interior lot abutting upon a road, the front lot line shall mean the line separating such lot from such road right-of-way. In the case of a corner or double frontage or a through lot, the front lot line shall be that line separating said lot from the road on the side of the lot that has the narrowest road frontage, or if the two lot lines have an equal amount of frontage, the front lot shall be on the most improved or best rated road. (See *Lot, Double Frontage*).



Lot Line, Rear: The lot line being opposite the front lot line. In the case of a lot irregularly shaped at the rear, the rear lot line shall be an imaginary line parallel to the front lot line, not less than twenty (20) feet long lying farthest from the front lot line and wholly within the lot.

Lot Line, Side: Any lot line not a front lot line or a rear lot line. A side lot line separating a lot from a street is a side street lot line. A side lot line separating a lot from another lot or lots is an interior side lot line.

Lot of Record: A parcel of land defined by a legal description and recorded in the office of the Alcona County Register of Deeds, or site condominium unit established and recorded by Master deed in the Alcona County Register of Deeds on or before the effective date of this Ordinance.

Lot, Through: See Lot, Double Frontage

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

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

Manufactured Home: see Dwelling, Manufactured.

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

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

Marquee: A permanent, roof-like shelter that extends from part of all of a building face and is constructed entirely of non-combustible materials.

Marquee Sign: A sign displayed on a marquee that does not extend vertically or horizontally beyond the limits of the marquee.

Migratory Labor: Temporary or seasonal labor employed in planting or harvesting.

Mobile Home: see Dwelling, **Manufactured**.

Mobile Home Park: see Manufactured Housing Community.

Mobile Home Site: see Manufactured Housing Community Homesite.

Municipal Civil Infraction Citation: A written complaint or notice prepared by an authorized Township official, directing a person to appear in court regarding the occurrence or existence of a municipal civil infraction violation by the person cited.

Monument Sign: A sign where the entire bottom of the sign is affixed to the ground.

Motel or Motor Court: A series of attached, semi-detached or detached rental units providing overnight lodging for transients, open to the traveling public for compensation.

Nonconforming Building or Structure: A building, or structure, lawfully in existence on the effective date of this Ordinance, or any amendments thereto, that does not conform to regulations of the zoning district in which such building or structure is located.

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 amendment.

Nonconforming Sign: A sign lawfully existing on the effective date of this Zoning Ordinance, which does not conform to one or more of the regulations set forth in this Zoning Ordinance.

Nonconforming Use: A use of land lawfully in existence on the effective date of this Ordinance, or any amendments thereto, that does not conform to the use regulations of the zoning district in which it is located.

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.

Nudity or a State of Nudity: Knowingly or intentionally displaying in a public place, or for payment or promise of payment by any person including, but not limited to payment of an admission fee, any individual's genitals or anus with less than a fully opaque covering, or a female individual's breast with less than a fully opaque covering of the nipple and areola. Public nudity does not include any of the following:

1. A woman's breastfeeding of a baby whether or not the nipple or areola is exposed during or incidental to the feeding.
2. Material as defined in section 2 of Act No. 343 of the Public Acts of 1984, being section 752.362 of the Michigan Compiled Laws.
3. Sexually explicit visual material as defined in section 3 of Act No. 33 of Public Acts of 1978, being section 722.673 of the Michigan Compiled Laws.

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

Nursing Home: See "Convalescent or Nursing Home"

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

Off-Premise Sign: A sign structure advertising an establishment, merchandise, service, or entertainment, which is not sold, produced, manufactured, or furnished at the property on which said sign is located.

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

Open Air Business: Are business uses operated for profit, substantially in the open air, usually without buildings or structures, including uses such as the following:

- a. Bicycle, utility truck or trailer, motor vehicle, boats or home equipment sale, repair, or rental services.
- b. Outdoor display and sales of garages, motor homes, mobile homes, snowmobiles, farm implements, swimming pools and similar products.
- c. Retail sale of trees, fruit, vegetables, shrubbery, plants, seeds, topsoil, humus, fertilizer.
- d. Tennis courts, archery courts, shuffleboard, horseshoe courts, rifle ranges,

miniature golf, golf driving range, children's amusement park or similar recreation uses.

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 will result in the development of impervious surfaces shall not be included as open space.

Open Storage: A land area occupied and used for outdoor storage of building materials, sand, gravel, stone, lumber, equipment and other supplies.

Ordinary High Water Line: The line between upland and bottomland which persists through successive changes in water levels, below which the presence and action of the water is so common or recurrent that the character of the land is marked distinctly from the upland and is apparent in the soil itself, the configuration of the soil and the vegetation. On an inland lake which has had a level established by law, it means the high established level. On a river or stream, the ordinary high water mark shall be the ten (10) year flood limit line.

Overhanging sign: A sign that extends beyond any structure wall and is affixed to the structure so that its sign surface is perpendicular to the structure wall.

Owner: A person holding any legal, equitable, option or contract of interest in land.

Parcel: See "Lot".

Parent Parcel: Any lot, from which sublots or subparcels are created after the adoption date of this ordinance.

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, Off-street: Vehicular parking provided on a lot or parcel, but not within a highway or road right-of-way.

Parking, Off-street, Lot: see Off-Street Parking Lot.

Parking, Off-street, Space: An area of definite length and width; said area shall be exclusive of drives, aisles, or entrances giving access thereto, and shall be fully accessible for the storage or parking of permitted vehicles on lots or parcels, but not within public highway or public or private road rights-of-way.

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

Patio: A paved open space, used for outdoor living purposes and constructed of any materials providing a hard, durable surface, which does not protrude more than four inches above the finished grade of the property.

Pet: Shall mean only such animals as may commonly be housed within domestic living quarters.

Performance Guarantee: Means a cash deposit, certified check, irrevocable bank letter of credit or a performance or surety bond approved by the Mikado Township Board.

Place of Worship: A building wherein persons assemble regularly for religious worship, maintained and operated by an organized religious body. Accessory uses, buildings and structures customarily associated with the church, are classified as part of the principal use as a church, temple or synagogue.

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

Planning Commission: The commission appointed by the Township Board under the provisions of Public Act 168 of 1959, the "Township Planning Act" as amended. Refers to the Mikado Township Planning Commission.

Plat: A map or plan of the layout of the subdivision of a parcel of land which is in conformance with all of the provisions of Public Act 288 of 1967; The Land Division Act as amended (formerly the Subdivision Control Act).

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 ordinance standards and requirements.

Porch, Enclosed: A covered entrance to a building or structure which is totally enclosed, and projects out from the main wall of said building or structure and has a separate roof or an integral roof with the principal building or structure to which it is attached.

Porch, Open: A covered entrance to a building or structure which is not enclosed except for columns supporting the porch roof, and projects out from the main wall of said building or structure and has a separate roof or an integral roof with the principal building or structure to which it is attached.

Portable Sign: Any sign not permanently attached to the ground or a building and is designed to be transported including but not limited to signs:

- With wheels removed;
- With chassis or support constructed without wheels;
- Designed to be transported by trailer or wheels;

- Converted A- or T-frame signs;
- Attached temporarily to ground, a structure, or other signs;
- Mounted on a vehicle for advertising purposes, parked and visible from the public right-of-way, except signs identifying the related business when the vehicle is being used in normal day-to-day operations of that business;
- Menu and sandwich boards;
- Searchlight stand; and
- Hot-air or gas-filled balloons or umbrellas used for advertising.

Primary Sign: Any sign not designated an accessory sign or a changeable copy sign and is used for the purpose of displaying primary information about the establishment.

Principal Structure: The main structure on the premises devoted to the principal use.

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

Private Road: See "Road, Private".

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

Public Place: Any real property or an appurtenance to the real property which is owned by this state, any municipality of this state, a public agency, or by a college or university in this state and may include a structure, enclosure, facility, or complex, including a court, mall, park, or other area, feature, or element; a public place shall also mean a business or an educational, refreshment, entertainment, recreation, health, or transportation facility, or institution of any kind, whether licensed or not, whose goods, services, facilities, privileges, advantages, or accommodations are extended, offered, sold, or otherwise made available to the public.

Public Sewer Systems: A central or community sanitary sewage and collection system of pipes and structures including pipes, conduits, manholes, pumping stations, sewage and waste water treatment works, diversion and regulatory devices, and outfall structures, collectively or singularly, actually used or intended for use by the general public or a segment thereof, for the purpose of collecting, conveying, transporting, treating or otherwise handling sanitary sewage or industrial liquid waste of such a nature as to be capable of adversely affecting the public health operated and maintained by the general public.

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

Real Estate Sign: A temporary sign advertising the real estate upon which the sign is located as being for rent, lease, or sale.

Recreational Vehicle: A vehicle designed to be used primarily for recreational purposes, including temporary sleeping quarters and/or cooking facilities; or a unit designed to be attached to a vehicle and used for such purposes, including self-propelled motor homes, pickup campers, fifth wheel trailers, travel trailers, and tent trailers.

Recreation Vehicle Park (RV Park): A family recreation-oriented facility for the overnight, short-term or seasonal, but not permanent or year-round, parking of travel trailers, recreation vehicles or tents. May also be known as a campground.

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

Residential Structures: Means any structure used as a dwelling for permanent year-round, seasonal, vacation or temporary housing by human families or individuals.

Resort: A recreational lodge, camp or facility operated for gain, and which provides overnight lodging and one or more of the following: golf, skiing, dude ranching, recreational farming, snowmobiling, pack trains, bike trails, boating, swimming, hunting and fishing and related or similar uses normally associated with recreational resorts.

Restaurant: A building in which food or beverages are cooked or prepared and offered for sale, and where consumption is permitted on the premises whether or not entertainment is offered.

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

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

Road, Private: Any road which is privately constructed and has not been accepted for maintenance by the County Road Commission, State of Michigan or the federal government. All private roads shall meet county road standards until a private road ordinance is adopted by the Township.

Road, Public: Any road or portion of road which has been dedicated to and accepted for maintenance by the County Road Commission, State of Michigan or federal government.

Road Right-of-Way Line: The line which forms the outer limits of a road right-of-way or easement, and which forms the line from which all setbacks and front yards are measured, unless otherwise specified in this ordinance.

Roadside Stand: An accessory and temporary farm structure operated for the purpose of selling agricultural products grown or produced on premises or on other properties

under the same ownership or management. The operation of only a roadside stand on premises otherwise classified as agricultural or residential shall not make it a commercial district or land nor shall its use be deemed a commercial activity. The maximum floor area of a Roadside Stand shall not exceed four hundred (400) feet.

Sanitary Landfill: A private or public landfill that meets all of the requirements of Part 115 of Public Act 451 of 1994, as amended and the rules promulgated under these Acts by the Michigan Department of Natural Resources.

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.

Seasonal Use: Any use or activity that can not be conducted or should not be conducted during each month of the year.

Setback: The minimum required horizontal distance from the applicable right-of-way line, easement, or property line of a lot within which no buildings or structures may be placed.

Sexually Oriented Business: A business or commercial enterprise engaging in any of the following: (1) adult arcade; (2) adult bookstore or adult video store; (3) adult cabaret; (4) adult motel; (5) adult motion picture theater; (6) adult theater; (7) escort agency; and (8) nude model studio.

Shopping Center: A group of commercial establishments, planned, developed, owned, and managed as a unit, with off-street parking provided on the property.

Shoreline: The line which separates land from a surface water feature may be (a) established as a matter of record as the mean level elevation of the surface water or (b) as determined by the legal establishment of the surface water level elevation by the County or other public agency. For the purpose of this Ordinance the legally established surface water level elevation shall take precedence, if established, over the mean level elevation.

Sign: Any structure or part thereof, or device attached thereto or painted or represented thereon, or any material or thing, illuminated or otherwise, which displays or includes any numeral, letter, word, model, banner, emblem, insignia, device, code mark or other representation used as, or in the nature of, an announcement, advertisement, direction or designation, of any person, firm, organization, place, commodity, service, business, profession, or industry, which is located upon any land or in any building, in such manner as to attract attention from outside the premises. Signs not exceeding one (1) square foot in area bearing only property numbers, mail box numbers or names of occupants of premises are excluded from this definition.

Sign Face: The area of a sign on which the copy is placed.

Sign, Lighted: Any sign having a conspicuous, continuous or intermittent variation in the illumination of the physical position of any part of the sign.

Sign Surface: That portion of a sign excluding its base, foundation and erection supports on which is displayed information pertaining to a product, use, occupancy, function, service, or activity located within that structure, on the same property as the sign, or at a location different than the property on which the sign is located.

Sign, Temporary: A sign that is intended to be displayed for a limited period of time.

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

Small-Scale Craft-Making: 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.

Special Land Use: A use which is subject to approval by the Township. A Special Land Use may be granted when specified by this Ordinance. A permitted Special Land Use is not considered to be a Nonconforming use.

Special Land Use Permit : A permit issued by the Township Board/Planning Commission to a person or persons intending to undertake the operation of an activity upon land or within a structure which possesses a unique characteristic found to be not injurious to the health, safety, convenience and general welfare of the Township's inhabitants.

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.

Specified Sexual Activities: Means and includes any of the following:

1. Human genitals in a state of sexual arousal;
2. Acts of or simulated acts of human masturbation, sexual intercourse, sodomy, bestiality, fellatio or cunnilingus; or

3. Fondling or other erotic touching of human genitals, pubic region, buttocks or female breast.
4. Excretory functions as part of or in connection with any of the activities set forth in 1 – 3 above.

Stable: A building or structure used to house horses, either for the property owner's private use or for hire.

State Licensed Residential Facility: A structure constructed for residential purposes that is licensed by the State pursuant to Act No. 218 of the Public Acts of 1979, as amended, being Sections 400.701 to 400.737 of the Michigan Compiled Laws, or Act No. 116 of the Public Acts of 1973, as amended, being Sections 722.111 to 722.128 of the Michigan Compiled Laws, which provides resident services or care for six (6) or fewer persons under twenty-four (24) hour supervision for persons in need of that supervision or care.

Story: That part of a building included between the surface of one (1) floor, and the surface of the next floor; or if there is no floor above, then the ceiling next above. A story thus defined shall not be counted as a story when more than fifty (50) percent, by cubic content, is below the height level of the adjoining ground.

Story, Half: An uppermost story lying under a sloping roof, the usable floor area of which, at a height of four (4) feet above the floor does not exceed two-thirds (2/3) of the floor area in the story directly below, and the height above at least two hundred (200) square feet of floor space is seven (7) feet, six (6) inches.

Story Height: The vertical distance from the top surface of one (1) floor to the top surface of the next above. The height of the topmost story is the distance from the top surface of the floor to the ceiling above it.

Structure: Anything constructed or erected, the use of which requires location on the ground or attachment to something having permanent location on the ground. Driveways, sidewalks, parking areas, septic systems and tanks are excluded from this definition.

Swimming Pool: Any permanent, non-portable structure or container located below grade designed to hold water to depth greater than eighteen (18) inches, intended for swimming or bathing. A swimming pool shall be considered an accessory structure for purposes of computing lot coverage.

Telecommunication Towers and Facilities or Tower: All structures and accessory facilities, including Alternative Tower Structures, relating to the use of the radio frequency spectrum for the purpose of transmitting or receiving radio signals; including, but not limited to, radio towers, television towers, telephone devices and exchanges, microwave relay facilities, telephone transmission equipment buildings, private and

commercial mobile radio service facilities, personal communication services towers (PCS), and cellular telephone towers. Not included in this definition are: citizen band radio facilities; short wave receiving facilities; radio and television broadcast reception facilities; satellite dishes; federally licensed amateur (HAM) radio facilities; and governmental facilities which are subject to state or federal law or regulations which preempt municipal regulatory authority.

Temporary Accessory Building or Structure: see Accessory Building or Structure, Temporary.

Temporary Sign: see Sign, Temporary.

Temporary Use: See "Use, Temporary"

Tent: As used in this Ordinance, shall mean a shelter of canvas or the like supported by poles and fastened by cords or pegs driven into the ground and shall not include those types of small tents used solely for children's recreational purposes.

Time and/or temperature sign: A sign designed to display the time and temperature.

Tourist Home: Any family-occupied dwelling used or designed in such a manner that certain rooms in excess of those used by the family are rented to the transient public for compensation. For the purpose of this Ordinance, the term tourist home also includes bed and breakfast facility.

Township: Means Mikado Township, Alcona County, Michigan.

Township Board: Means the Mikado Township Board.

Travel Trailer: See Recreational Vehicle.

Travel Trailer Park: See Recreation Vehicle Park (RV Park).

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

Use, Accessory: See "Accessory Use".

Use, Land: The principal and accessory uses and activities being made of all land areas, buildings and structures located upon a lot or parcel.

Use, Principal: See Principal Use.

Use, Public: Any of the publicly-owned or leased uses of land, buildings or structures administered and operated by a public agency or official.

Use, Temporary: A use, activity, or building permitted to exist during the period of

construction of the main building or use, or for special events.

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

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

Vehicle Sales - New: An authorized dealership primarily for the sale of new vehicles but as an incidental use may include the sale of used vehicles, and having complete and enclosed facilities on the premises for the display, service, repair and sale of new vehicles and accessories.

Vehicle Sales - Used: An authorized dealership for the sale of used vehicles with completely enclosed-office and sales facilities on the premises. All related activities incidental to the sale of used vehicles such as minor repairing, servicing and restoring, shall be performed within completely enclosed facilities.

Wall Sign: Any sign attached parallel to a wall, painted on the wall surface of or erected and confined within the limits of an outside wall of any building or structure, which is supported by such a wall or building, and which displays only one sign surface.

Wind Turbine Generator: A tower, pylon, or other structure, including all accessory facilities, upon which any, all, or some combination of the following are mounted:

1. A wind vane, blade, or series of wind vanes or blades, or other devices mounted on a rotor for the purpose of converting wind into electrical or mechanical energy.
2. A shaft, gear, belt, or coupling device used to connect the rotor to a generator, alternator, or other electrical or mechanical energy-producing device.
3. A generator, alternator, or other device used to convert the energy created by the rotation of the rotor into electrical or mechanical energy.

Wind Turbine Generator, Commercial: A wind turbine generator designed and used primarily to generate electricity by or for sale to utility companies.

Wind Turbine Generator Farm, Commercial: Two (2) or more wind turbine generators located on the same parcel designed and used primarily to generate electricity by or for sale to public utility companies.

Wind Turbine Generator, Noncommercial: A wind turbine generator designed and used primarily to generate electricity or produce mechanical energy for use on the property where located.

Wind Turbine Generator Tower Height:

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.

Window Area: Window area shall be computed by calculating each window pane or panel. The area shall be separate for each building face and for each window. A group of window panes or panels may be considered one (1) window if they are adjoining on the building face and are less than six (6) inches apart.

Window Sign: Any sign, picture, symbol, or combination thereof, designed to communicate information about an activity, business, commodity, event, sale, or service, that is placed inside a window or upon the window panes or glass and is visible from the exterior of the window.

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

Yard, Front: A yard across the full width of the lot extending from the front line of the principal building to the front lot line, or road-right-of-way line as the case may be.

Yard, Rear: A yard extending across the full width of the lot from the rear line of the building to the rear property lot line.

Yard, Side: A yard between the side lot line and the nearest side of the building, extending between the front yard and rear yard.

Zero Lot Line: The location of a building on a lot in such a manner that one (1) or more of the building's sides rests directly on a lot line.

Zoning Administrator: Means the person retained by the Township Board to administer and enforce this Zoning Ordinance.

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

Zoning Board of Appeals: As used in this ordinance, the term "Board of Appeals" means the Zoning Board of Appeals.

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

Zoning Permit: A standard form issued by the Zoning Administrator upon application and declaration by the owner or his duly authorized agent regarding proposed construction and use of land, building and structures thereon granting approval for the construction or use applied for.

ARTICLE 3: GENERAL PROVISIONS

Section 3.0 – Purpose

The provisions of this Article shall apply to all districts, except as noted herein. Where the requirements of a general provision and a district regulation differ, the more restrictive requirement shall prevail.

Section 3.1 – Application of Regulations

Zoning affects every structure and use, and extends vertically. The following shall apply to all of Mikado Township.

- A. In order to carry out the intent of this Ordinance, no use or activity on a piece of land shall be commenced or maintained, no building or structure or part thereof shall be allowed to be used, constructed, remodeled, altered, or moved upon any property unless it is in conformance with this Ordinance, and a zoning permit has been obtained, except in the case of lawful nonconforming uses.
- B. No building shall hereafter be erected or altered to exceed the height limitations, or to occupy a greater percentage of lot area, or intrude upon the required front yard, rear yard, side yard or inner or outer courts, or so as to accommodate or house a greater number of families, or so as to provide less space per dwelling unit than is specified for the district in which such building is located.
- C. No lot area and no yard, court, parking area or other required space shall be so divided, altered, reduced or diminished as to make said area or dimension less than the minimum required under 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 a required area is already less than the minimum required under this Ordinance, said area or dimension shall not be further divided or reduced.
- D. If any activity, use, building, structure or part thereof is placed upon a piece of property in direct conflict with the intent and provisions of this Ordinance, such activity, use, building or structure shall be declared a nuisance and may be required to be vacated, dismantled, abated, or ceased by any legal means necessary. Such use, activity, building or structure shall not be allowed to function until it is brought into conformance with this Ordinance.
- E. In the event that any lawful use, activity, building or structure which exists or is under construction at the time of the adoption of this Ordinance and is not in conformance with the provisions of the zoning district in which it is located, such use, activity, building or structure shall be considered a legal nonconforming use and shall be allowed to remain as such, including the completion of construction, providing said construction does not require more than one (1) year from the effective date of this Ordinance for completion.

Section 3.2 - Lot-Building Relationship

Hereafter, every building erected, altered or moved shall be located on a zoning lot. Except as provided for temporary dwelling occupancy during construction of a dwelling, multi-family developments, Planned Unit Developments, office complexes, retail business complexes, or industrial complexes, there shall be no more than one (1) principal building and its permitted accessory structures located on each lot in any zoning district. No building, structure or permanent accessory building shall be erected without first obtaining a zoning permit from the Zoning Administrator.

Section 3.3 - Restoration of Unsafe Buildings/Barrier Free Modification

Nothing in this Ordinance shall prevent the strengthening or restoring to a safe condition any part of any building or structure declared unsafe by the Alcona County Building Department or the township building official. Nothing in this Ordinance shall prevent the unlimited modification of a building only as may be necessary to comply with barrier free requirements and the American Disabilities Act.

Section 3.4 - Continued Conformance with Regulations

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 3.5 - Accessory Buildings

Accessory buildings, except as otherwise permitted in this Ordinance, shall be subject to the following regulations:

- A. Authorized accessory buildings or structures may be connected to the principal building by a roofed porch, patio, breezeway or similar structure or may be completely detached from the principal building.
- B. Where any accessory building or structure is attached to a principal building, such accessory building or structure shall be considered part of the principal building for purposes of determining yard dimensions, regardless of whether the accessory build was constructed as a detached building and then attached.
- C. Except as provided in §3.5 (D) of this Ordinance, a detached accessory building or structure shall be located no closer to a side or rear lot line than the permitted distance for the principal building on the same lot.
- D. A detached accessory building or structure that is no greater than two hundred (200) square feet in size may be located no closer than five (5) feet from a side or rear lot line regardless of the zoning district in which it is located.

- E. Except as provided in § 3.5 (F), no detached accessory building or structure, or any part of a detached accessory building or structure, shall be located in the front yard of any lot within the township.
- F. Detached accessory buildings may be permitted in the front yard in the A-R, F-R and RC Districts, providing they are at least one hundred (100) feet from the road right-of-way.
- G. No accessory building or structure on the same lot with a principal building shall be used for dwelling purposes.
- H. Truck bodies, semi trailers, school bus bodies, mobile homes, travel trailers or other items built and intended for other uses shall not be used as accessory buildings.

Section 3.6 - Temporary Buildings for Construction Purposes

Temporary buildings may be utilized during construction for the storage of construction materials and for construction offices during a construction period as permitted herein. Temporary structures utilized as dwellings during the construction of a permanent dwelling are controlled by Section 3.17 of this ordinance. Temporary buildings for use incidental to construction work shall be removed within thirty (30) days after the completion or abandonment of the work. No structures shall be used for temporary dwelling purposes that do not comply with the requirements of this Ordinance or any applicable building codes, provided the Zoning Board of Appeals may allow variances on the size of temporary dwelling units. No garage or other accessory building or structure, travel trailer, basement, tent, barn, partial or temporary structure, whether of a fixed or portable construction, shall be erected or moved onto a lot and used for any dwelling purposes unless authorized by the issuance of a zoning permit by the Zoning Administrator.

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 a temporary building within thirty (30) days after the completion or abandonment of work constitutes a violation of this Ordinance.

Section 3.7 – Basement as a Dwelling

No basement shall be used for human occupancy unless a completed story is situated immediately above the basement structure and is used as a dwelling. Dwelling spaces contained in basements shall meet the requirements of the Alcona County Building Code.

Section 3.8 - Moving Buildings

The moving of a building to a different location shall be considered the same as erection of a new building. All provisions, regulations or requirements relative to the erection of a new building shall be applicable to a structure that is moved. No building shall be moved either within, into or out of Mikado Township without first obtaining a zoning permit from the Zoning Administrator.

Section 3.9 - Demolition of Buildings

No building shall be demolished until a Zoning Permit has been obtained from the Zoning Administrator. Said permit shall be conditioned on the applicant completing the demolition within such reasonable time period as shall be prescribed by the Alcona County Building Department and

under conditions that may be specified by the Alcona County Building Department deemed necessary to protect the public health, safety and welfare. The Alcona County Building Department is furthermore authorized to prescribe conditions relating to the filling of excavations, the proper termination of utility connections, and the manner in which demolition will be carried out in situations where asbestos is present.

Section 3.10 – Projections

The following encroachments shall be permitted into the setbacks specified in all zoning district classifications:

- A. Terraces, patios, decks, and similar structures may project into the front or rear setback requirements provided that such structure be unroofed and without walls or other continuous enclosures and the same is not constructed in the road right-of-way. Porches and other appurtenances shall be considered an integral part of the building to which they are attached and shall be subject to all setback requirements thereof. All terraces, patios, decks, and similar structures shall conform to the stated side yard setbacks in that district.
- B. Chimneys, flues, cornices, eaves, gutters and similar features may project into any required setback a maximum of twenty-four (24) inches.
- C. Unenclosed and unroofed fire escapes, outside stairways and balconies may project into a required setback a maximum of five (5) feet.

Section 3.11 - Intersection Visibility and Street Rights-of-Way

On any corner lot in any district requiring front and side yards, no fence, wall, screen, hedge, sign or other structure or planting shall obstruct vision between the heights of three (3) feet and ten (10) feet within the triangular area formed by the intersecting street right-of-way lines and a straight line intersecting them at points which are on said right-of-way lines and thirty (30) feet distant from their point of intersection. Such heights of clear vision areas shall be measured from the elevation of the street center-lines at the point of intersection. No fence, wall, screen, hedge, sign or other structure or planting shall obstruct vision from a driveway between the heights of three (3) feet and ten (10) feet, measured above the elevation of the street center line, within ten (10) feet of any front property line.

Section 3.12 - Essential Services

Essential services as defined herein, shall be permitted in any zoning district only as authorized and regulated by law, public policy and specific zoning regulations in that district. Construction, erection, alteration and maintenance of structures and uses relating to essential services shall be exempt from the application of this Ordinance when not in conflict with Article I of this Ordinance. When in conflict, the Board of Appeals shall have the power to determine reasonable conditions under which such facilities shall be erected. Telecommunication towers, alternative tower structures and antennas shall be regulated and subject to the permit provisions contained in this Ordinance and shall not be regulated or permitted as essential services, public utilities or private utilities.

All directional signs required for the purpose of orientation, when established by the Township, County, State, or Federal governments, shall be permitted in all Districts.

Section 3.13 - Required Water Supply and Sanitary Facilities

Buildings hereafter erected, altered or moved upon any premises and used in whole or in part as either year-round or seasonal dwellings or for recreational, business, commercial or industrial purposes, including religious institutions, schools, and other buildings in which persons customarily congregate, shall have adequate water and sanitary facilities as determined by the District Health Department.

Section 3.14 – On Site Drainage and Runoff Requirements

No premises shall be filled or graded so as to discharge surface runoff onto abutting premises or 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 have priority.

Section 3.15 Mobile Homes on Individual Lots or Parcels

A mobile home newly sited on an individual lot shall meet the standards for minimum lot size, yard set-backs, and minimum floor area for the district in which it is located and shall meet the following additional standards:

- A. Mobile homes shall be attached to an approved permanent foundation or basement and shall be anchored using a system that meets the Michigan **Manufactured Housing** Commission requirements.
- B. The wheels, axles and towing assembly shall be removed from a mobile home before the unit is attached to the foundation. Additionally, no mobile home shall have any exposed undercarriage or chassis.
- C. Mobile homes shall be installed according to the United States Department of Housing and Urban Development (HUD) regulations entitled “Manufactured Home Installation Standards”, and the construction of the unit shall comply with the United States Department of Housing and Urban Development (HUD) regulations entitled "Manufactured Home Construction And Safety Standards", being 24 CFR part 3280, as amended.
- D. Mobile homes shall not be attached to each other. Additions, new roofs and accessory buildings may be attached to a mobile home.
- E. No person shall occupy a mobile home as a dwelling within Mikado Township until a certificate of compliance with the HUD Code and the current Alcona County Construction Code has been issued by the Alcona County Building Department.
- F. No mobile home shall be located or placed in Mikado Township without prior completion of site preparation to include electric, water, sewage disposal and foundation to meet the current **HUD rules and regulations and District Health Department regulations.**
- G. Mobile homes shall not be used as accessory buildings.

H. No unoccupied mobile home shall be stored on any lot or parcel in Mikado Township.

Section 3.16 - Recreational Vehicles

A. In all districts, travel trailers and similar recreational vehicles may be stored on a lot or parcel of land containing a dwelling unit subject to the following conditions:

1. The travel trailer or recreational vehicle shall carry state license plates.
2. No more than one (1) travel trailer or recreational vehicle may be stored in a rear or side yard of a lot containing a permanent dwelling, provided the yard setback requirements are met.
3. The travel trailer or recreational vehicle is not connected to water and sewer services.
4. The unit is not used for dwelling purposes.
5. The open storage of a travel trailer or recreational vehicle shall not occur on vacant or unimproved property, except as provided in §3.16 B and as may be permitted in accordance with a properly zoned outdoor storage or commercial facility.

B. Overnight camping on private property on which no dwelling unit is located shall be permitted in all districts providing that the recreational vehicle shall occupy such a parcel for not longer than fifteen (15) consecutive days and not more than a total of forty-five (45) days in a calendar year, subject to the following conditions:

1. Yard setback requirements for the district where the unit is located shall be met.
2. Sanitation facilities must meet the requirements of and be approved by the District Health Department.
3. The travel trailer or recreational vehicle shall carry current state license plates.
4. A permit must be obtained from the Zoning Administrator.

Section 3.17 - Temporary Dwelling Occupancy during Construction of a Dwelling

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

- A. The location shall conform to the provisions governing yard requirements of standard dwellings in the district where located.
- B. The use shall be for the sole purpose of providing dwelling facilities for the owner of the premises during the period in which a dwelling conforming to the provisions of this Ordinance is in the process of erection, construction and completion, but not to exceed twelve (12) months.

One (1) additional twelve (12) month extension may be obtained from the Zoning Administrator upon expiration of the original zoning permit. The temporary dwelling shall be removed upon completion of construction of a dwelling complying with the requirements of this Ordinance. Failure or refusal to remove a temporary dwelling within the time frame specified constitutes a violation of this ordinance.

- C. A septic system and a water well shall be constructed and maintained in accordance with the standards for materials, design and installation required by the District Health Department, and shall precede occupancy of the temporary dwelling.
- D. Application for the erection and use of a temporary dwelling shall be made at the time of zoning permit application for the permanent dwelling. On approval and delivery of the zoning permit, the applicant shall certify in a space allotted for that purpose, and on the copy retained for filing by the township, that he has full knowledge of the limitations of the permit and the penalty pertaining thereto. No such permit shall be transferable to any other person.
- E. No annexes shall be added to temporary dwellings.

Section 3.18 - Waterfront Greenbelt

To preserve natural resources, water quality and community scenic and recreational values, a greenbelt shall be established and maintained on all property located within fifty (50) feet of the ordinary high water mark of a stream. Within the greenbelt area, the following development or use restrictions shall apply:

- A. At least 70% of the lot width at the water line shall be kept in its natural vegetative state with either trees, shrubs, herbaceous plants or unmowed grass located thereon.
- B. No structures will be permitted in the Greenbelt except those related to use of the water; such as boat launches, docks or boathouses.
- C. No burning of leaves or stockpiling of grass, leaves or compost is allowed in the Greenbelt.
- D. Use of pesticides, herbicides and fertilizers in the Greenbelt shall conform to standards set by the District Health Department.
- E. Setbacks for septic systems must meet those minimum requirements set by the District Health Department.
- F. No dredging or filling can occur in the Greenbelt without an Act 347 Soil Erosion and Sediment Control Permit, and applicable permits from the Michigan Department of Natural Resources and/or the Michigan Department of Environmental Quality.
- G. The Greenbelt shall be shown on the plot plan or site plan filed with the Zoning Administrator.

Section 3.19 - Waterfront Setback

To provide minimum setback standards in the Zoning Ordinance to protect surface water resources and flood plains from adverse construction or alteration, these measures are deemed to be the minimum necessary in order to:

- Avoid structural encroachment of the natural waters and waterways, except in the situation of uses traditionally depending upon direct water access.
 - Promote high water quality through the encouragement of an undisturbed natural area to trap nutrients and sediment from entering natural waters, and to prevent erosion.
 - Protect the natural environment of streams and lakes for wildlife habitat purposes and to preserve, to the extent practical, the natural image of landscapes.
- A. Any property which borders on or contains a natural river, stream, pond, or lake, which is identifiable on the U.S. Geological Survey Maps of Mikado Township, shall be subject to waterfront setbacks for buildings and uses, as follows:
1. No fill or permanent construction shall occur in any floodway appurtenant to a natural river, stream, pond, or lake, which is identifiable on U.S. Geological Survey Maps of the 7' or 15' quadrangle series, and which is further identified as an area that is prone to annual flooding (i.e. a natural storage basin during high water levels). Fill can be approved if accomplished in such a way as to not reduce or diminish the water holding capacity of the natural floodway, and that such is documented by a Registered Professional Engineer or similarly qualified professional.
 2. Permanent structures, parking lots, and other impervious surfaces, except boat docks, boat slips, ramps, or marinas, or other water-dependent uses, shall observe a minimum setback of seventy-five (75) feet from the documented 1986 High Water Mark in all Districts. Except for a potential interference in floodways, the setbacks of this paragraph shall not apply to drains or intermittent streams. An intermittent stream is one which holds water at some time during each year, but for not more that eight (8) months.
 3. Ground decking and patios without railings and which are less than eighteen (18) inches above the natural grade at the deck building line may extend into the setback area, but not nearer to the shoreline than twenty-five (25) feet. Railed decks and enclosed patios over eighteen (18) inches high shall observe the setback lines for main buildings, in the applicable zoning district. Walkways and pathways, if not wider than six (6) feet, and if perpendicular to the shoreline, are not restricted by this section.

B. Other Environmental Rules

Any filling or construction within flood plains or wetlands, or other environmental areas protected by State Law, or other laws, shall require appropriate permits from the government unit or agency having jurisdiction.

Section 3.20 - Home Business

While Mikado Township recognizes that many residents feel the necessity to work at home, the Township also recognizes the rights of all residents to be free from actual or potential nuisance conditions which may be caused by non-residential activities conducted in a residential zone. The

intent of this section is to provide standards to ensure home occupations and cottage industries are compatible with other allowed uses in residential districts, and thus to maintain and preserve the residential character of the neighborhood.

A. Home Occupations

1. Home occupations are permitted in all zoning districts in which single-family dwellings are permitted as a matter of right. A zoning permit is required.
2. Home Occupations shall be operated entirely within the dwelling and not within an attached or detached garage or accessory building. No more than twenty-five percent (25%) of the dwelling's ground floor area shall be devoted to the home occupation. Attached and detached residential garages may be used only for incidental storage.
3. Home Occupations shall be conducted primarily by the person or persons occupying the premises as their principal residence. Not more than one (1) nonresident person shall be employed to assist with the business.
4. Additions to a dwelling for the purpose of conducting a Home Occupation shall be of an architectural style that is compatible with the architecture of the dwelling, shall meet all required setbacks in the zoning district classification in which the dwelling is located, and shall be designed so that the addition can be used for dwelling purposes if the home occupation is discontinued.
5. Home Occupations shall be incidental and subordinate to the principal use of the dwelling for residential purposes and shall not detract from the residential character of the premises or the neighborhood.
6. Home Occupations shall not result in the creation of conditions that would constitute a nuisance to neighboring property owners, nor to the Township as a whole. Any machinery, mechanical devices, or equipment employed in the conduct of a Home Occupation shall not generate noise, vibration, radiation, odor, glare, smoke, steam, or other condition not typically associated with the use of the dwelling for residential purposes.
7. Traffic and delivery or pickup of goods shall not exceed that normally created by residential uses.
8. The outdoor storage of goods and/or materials of any kind is prohibited. Goods or materials not produced through the conduct of the Home Occupation shall not be sold.
9. There shall be no parking permitted within any setback areas.
10. No process, chemicals, or materials shall be used which are contrary to an applicable state or federal laws.
11. The utilization of a dwelling for instruction in a fine art or craft is specifically permitted.

B. Cottage Industries

1. Cottage industries are permitted as a Special Land Use in any zoning district in which single-family dwellings are allowed, subject to review and approval by the Planning

Commission as a Special Land Use in accordance with Article 8 of this Ordinance. Cottage industries shall be allowed on the basis of individual merit. A periodic review of each cottage industry shall be performed to ensure the conditions of approval are adhered to. If the premises is sold, leased, or rented to a party other than the applicant, the permit shall be reviewed by the Zoning Administrator for compliance with the original permit. If any changes are necessary, the request will be reheard by the Planning Commission.

2. Cottage industries shall be incidental and subordinate to the use of the premises for residential purposes and shall not detract from the residential character of the premises or neighborhood. There shall be no exterior evidence of such industry.
3. A cottage industry shall occupy not more than one (1) building. The floor area of such buildings shall not exceed twenty four hundred (2400) square feet.
4. The outdoor storage of goods and/or materials of any kind is prohibited unless screened (by a tight-board wood fence, landscaped buffer, landscaped berm, etc.) 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 Township Planning Commission during site plan review.
5. Cottage industries shall not result in the creation of conditions that would constitute a nuisance to neighboring property owners and surrounding zoning districts. Machinery, mechanical devices or equipment employed in the conduct of a Cottage Industry shall not generate noise, vibration, radiation, odor, glare, smoke, steam, or other conditions not typically associated with the use of the premises for residential purposes.
6. Traffic and delivery or pickup of goods shall not exceed that normally created by residential uses.
7. Cottage industries shall be conducted only by the person or persons residing on the premises. The Planning Commission may allow up to two (2) additional employees or assistants.
8. To ensure that the cottage industry is compatible with surrounding residential use, the Planning Commission shall limit the number of vehicles that may be parked on the cottage industry premises during business operations.
9. Hours of operation shall be approved by the Planning Commission.

C. Termination, Extensions, Revisions, and Inspections

1. Upon written application by the owner, the Planning Commission may, for just cause, grant a time extension for compliance with the conditions of this Section.
2. Any home business (home occupation or cottage industry) shall be subject to periodic review by the Zoning Administrator.
3. If the Zoning Administrator has reason to believe the property owner is in violation of his or her permit or that grounds for revocation exist, written notice of alleged violation(s) shall be sent to the operator of the home business and to the owner of the real property premises, if different from the operator of the home business. The operator shall be afforded the

opportunity to appear at a public hearing before the Planning Commission to present his or her case. The hearing notice procedures shall be the same as those for a Special Land Use contained in Article 8 herein.

4. Following the public hearing, the decision of the Planning Commission shall be made in writing and shall be based on specific findings of fact. Reasonable conditions may be imposed to prevent conflicts with other property uses or to assure compatibility with the standards of this ordinance. The Planning Commission shall have the authority to limit the hours of operation, to impose conditions of operation or, if deemed necessary, to order the complete termination of the activity.
5. Proposed revisions or additions to a cottage industry shall constitute a change of use and shall be subject to Special Land Use review and approval by the Planning Commission.

Section 3.21 - Fences and Walls

- A. Unless specifically provided for by other provisions in this Ordinance, fences, walls, or hedges may be permitted on any property in any District, provided that no fence or wall shall exceed a height of eight (8) feet in the side and rear yards and four (4) feet in the front yard. In no event shall a fence or wall be installed or constructed closer than five (5) feet to the front property line or road right-of-way. Fences or walls installed or constructed in accordance with the provisions of this Ordinance shall not obstruct sight distances needed for safe vehicular traffic, nor create a hazard to traffic or pedestrians. Fences may be located on the lot line in the side or rear yards.
- B. Fences in any platted subdivision or site condominium development shall not contain barbed wire or be electrified.
- C. Where a lot borders a lake or stream, or has lake views, fencing shall not be constructed on the waterfront side within the waterfront setback. Fences shall not exceed four (4) feet in height, nor unreasonably restrict views to the water from neighboring properties.
- D. Swimming Pools: Yard areas with private pools are to be fenced to discourage unsupervised access and use by small children. Such fencing is to be a minimum of four (4) feet high, and equipped with a self-closing and self-latching gate. Latching devices are to be located at a minimum height of four (4) feet. Such fencing may be omitted where building walls without doorways abut the pool area.
- E. No fence shall be approved which
 1. constitutes a fire hazard either by itself or in connection with the existing structures in the vicinity; or
 2. interferes or will interfere with access by the Fire Department in case of fire to buildings in the vicinity; or
 3. will constitute a hazard to street traffic or to pedestrians.
- F. 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 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.

- G. All fences shall be maintained in good condition and shall not constitute a safety hazard. Any fence not maintained as required by this subsection shall be removed by the owner of the fence.
- H. Fences and walls used to separate residential uses from non-residential uses shall follow the regulations in §3.22 (G).

Section 3.22 - Landscaping and Buffering

It is the intent of this section to require landscape screening to minimize visual impacts of development along roadways and to provide for landscaping within parking lots. In addition, the intent is to preserve and enhance the aesthetic qualities, character, privacy and land use values along roadways. It is also the intention of this section to provide for buffering between residential and non-residential uses.

A. Application

These requirements shall apply to all uses for which site plan review is required under Article 7 of the Zoning Ordinance. No site plan shall be approved unless the site plan shows landscaping, greenbelt buffers, and screening consistent with the requirements set forth in this ordinance. Screening is the enclosure of an area by a visual barrier, which may include a landscape buffer, solid fencing or other materials.

B. Landscape Plan

A landscaping plan shall be submitted as either part of the required site plan or as a separate plan if permitted by the Planning Commission during site plan review. The landscape plan shall contain, at a minimum, the following:

1. The location, spacing, size, and root type [bare root (BR) or balled and burlaped (BB)] and descriptions for each plant type proposed for use within the required landscape area;
2. An identification of existing trees and vegetative cover to be preserved;
3. The Identification of grass and other ground cover and the method of planting; and
4. The enumeration of a landscape maintenance program including a statement that all diseased, damaged, or dead materials shall be replaced in accordance with standards of this ordinance.

C. Parking Lot Landscaping

1. Separate landscaped areas shall be required either within or at the perimeter of parking lots. There shall be one (1) tree for every eight (8) parking spaces. A minimum distance of three (3) feet shall be established between proposed tree or shrub plantings and the backside of the curb or edge of the pavement.

D. Highway Landscape Buffers

1. A strip of land with a minimum width equal to the front yard setback of its zoning classification shall be located between the abutting right-of-way of a public street, freeway, or major thoroughfare is required as a "highway landscape buffer". The highway landscape buffer shall contain a minimum of one (1) tree not less than twelve (12) feet in height or a minimum caliper of two and one-half (2 ½) inches (whichever is greater at the time of planting) for each thirty (30) lineal feet, or major portion thereof, of frontage abutting said right-of-way. The remainder of the buffer shall be landscaped in grass, ground cover, shrubs, and/or other natural, living, landscape material. The area along the roadway proposed to be grassed shall be minimized and directly related to the necessity, if any, for an ornamental landscape character.
2. Access ways from public rights-of-way through required landscape strips shall be permitted, but such access ways shall not be subtracted from the lineal dimension used to determine the minimum number of trees required unless the calculation would result in a violation of the spacing requirement set forth in this section.

E. Site Landscaping

1. In addition to any landscape areas and/or parking lot landscaping required by this ordinance, at least ten (10) percent of the site area, including existing thoroughfare rights-of-way, shall be landscaped.
2. Areas used for storm drainage purposes, such as unfenced drainage courses or retention areas in front or side yards, may be included as a portion of the required landscaped area.

F. General Landscape Development Standards

1. Minimum Plant Material Standards:
 - a. All plant material shall be hardy to Alcona County, free of disease and insects and conform to the standards of the American Association of Nurserymen.
 - b. All plant materials shall be installed in such a manner so as not to alter drainage patterns on site or adjacent properties or obstruct vision for reasons of safety, ingress or egress.
 - c. All plant material shall be planted in a manner so as to not cause damage to utility lines (above and below ground) and public roadways.
 - d. Existing plant material, which complies with the standards and intent of the ordinance, as determined by the Zoning Administrator, shall be credited toward meeting the landscape requirements.
2. Minimum Standard for Berms:
 - a. Berms shall be constructed so as to maintain a side slope not to exceed a one (1) foot rise to a three (3) feet run ratio.
 - b. Berms not containing planting beds shall be covered with grass or living groundcover maintained in a healthy growing condition.
 - c. Berms shall be constructed in a way that does not alter drainage patterns on site or on adjacent properties, nor shall it obstruct vision for reasons of safety, ingress or egress.

- d. If a berm is constructed with a retaining wall or by terracing, the earthen slope shall face the exterior of the site.

G. Landscape Buffers

For nonresidential uses, except farms, which abut a permitted residential use, or which are adjacent to a Residential District boundary, there shall be provided and maintained greenbelts, fences or walls as required below. These requirements do not apply whenever the use, storage area, etc. is more than four hundred (400) feet from an adjacent Residential District boundary.

Specific Non residential Uses Requiring Fences	Greenbelt, Fence or Wall Height at Property line	Primary Function(s)	
		Protective	Screening or Obscuring
Drive-in restaurants, gasoline station & vehicle repair	4 to 6 feet	✓	✓
Institutional and school playground	4 to 6 feet	✓	
Parking lot accessory to nonresidential uses	4 to 6 feet		✓
Hospital and Funeral home service entrances	4 to 6 feet		✓
Utility buildings and substations	4 to 6 feet	✓	✓
Junk yards (approved)	8 feet	✓	✓
Open storage areas larger than 200 square feet	4 to 8 feet		✓

H. Installation and Maintenance

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

Section 3.23 - Parking and Loading Space Requirements

There shall be provided in all districts at the time of erection or enlargement of any main building or structure, automobile off-street parking space with adequate access to all spaces. The number of off-street parking spaces, in conjunction with all land or building uses, shall be provided, prior to the issuance of a Certificate of Occupancy, as hereinafter prescribed.

A. Parking Requirements

1. Off-street parking for other than residential use shall be either on the same lot or within three hundred (300) feet of the building it is intended to serve, measured from the nearest point of the building to the nearest point of the off-street parking lot. Ownership shall be shown on all lots or parcels intended for use as parking by the applicant.

2. Residential off-street parking spaces shall consist of a parking strip, parking bay, driveway, garage, carport, or combination thereof, and shall be located on the premises they are intended to serve. Structures are subject to the provisions of Section 3.03 - Accessory Buildings. Driveways to a residential structure in any district shall be subject to the side setback requirements of the district.
3. Areas designated for required off-street parking shall not be changed to any other use unless and until equal facilities meeting the standards of this section are provided and approved at a differing location on the property or elsewhere as permitted within this ordinance. If parking requirements for the site are changed due to a change in use or occupancy, the designated off-street parking areas may be revised and approved only in accordance with a site plan to be submitted to the Township Planning Commission in accordance with Article 7 of this Ordinance.
4. Off-street parking existing at the effective date of this Ordinance in connection with the operation of an existing building or use shall not be reduced to an amount less than required for a similar new building or new use.
5. Two (2) or more buildings or uses may collectively provide the required off-street parking. In which case the required number of parking spaces for the individual uses may be reduced by up to twenty-five (25) percent if a signed agreement is provided by the property owners. Such parking requirements shall bind future owners of parcels and shall be recorded with the Register of Deeds office.
6. **Parking Lot Deferment:** Where the property owner can demonstrate that the required amount of parking is excessive, the Planning Commission may approve a smaller parking area. Area of sufficient size to meet the parking space requirements of this Article shall be retained as open space, and the owner shall agree to construct the additional parking at the direction of the Planning Commission based on observed usage within six (6) months of being informed of such request in writing by the Zoning Administrator. The site plan shall note the area where parking is being deferred, including dimensions and a dotted parking lot layout. Any required landscaping placed in this area shall be relocated when the parking area is expanded.
7. In order to minimize excessive areas of pavement, which are unsightly and contribute to high rates of stormwater runoff, exceeding the minimum parking space requirements by greater than ten percent (10%) shall not be allowed, except as approved by the Planning Commission. In granting such additional space, the Planning Commission shall determine that such parking will be required, based on documented evidence, to accommodate the use on a typical day.
8. For those uses not specifically mentioned, the requirements for off-street parking facilities shall be in accordance with the use which the Planning Commission considers to be similar in type.
9. **Parking Space Dimensions:**
All required off-street parking spaces shall meet the following dimensional standards:

Parking Pattern (in degrees)	Maneuvering Lane Width	Parking Space	
		Width	Length
degree (parallel parking)	12 feet	8 feet	23 feet
30 to 53 degrees	12 feet	9 feet	20 feet
54 to 74 degrees	15 feet	9 feet	20 feet
75 to 90 degree	20 feet	10 feet	20 feet*

* May include a maximum of two (2) foot unobstructed vehicle parking area at the front of the parking space to account for normal vehicle overhang.

10. Vehicle Stacking Space:

Stacking spaces required for vehicles waiting to access service windows, pumps, pedestals or other service facilities shall be dimensioned to be twenty (20) feet by ten (10) feet per space, but shall not include the space vehicles actually use at the time of service. Where a use provides a drive-through or similar service, but is not within use categories for which specific standards are provided, the Planning Commission may require a minimum number of stacking spaces which are equivalent to the number required for a use which the Planning Commission determines to be most similar.

11. The number of off-street parking spaces shall be in accordance with the following schedule:

Residential Parking Requirements	
Use	Requirements
Single-family and two-family	2 for each dwelling unit
Multiple family	1.5 per each efficiency or one-bedroom dwelling unit, 2 per each unit with 2 or more bedrooms
Mobile homes	2 for each mobile home site
Housing for the elderly	1 for each 2 units, and 1 for each employee Should units revert to general occupancy, then 2 spaces per unit shall be provided
Rooming houses and group quarters	1 for each 2 beds
Group day care homes	2 for each home in addition to the 2 required for the residence For this use only, such additional spaces may be located in the side yard setback

Institutional Parking Requirements	
Use	Requirements
Religious institutions, temples, or similar places of worship; theaters, auditoriums, and assembly buildings; stadiums, sports arenas, or similar places of outdoor assembly	1 space for each 3 seats or 6 linear feet of benches in the main unit, plus 1 for each 2 employees
Nursery schools, day nurseries, or child day care centers	2 for each employee plus 1 space for each 8 children of licensed authorized capacity
Elementary, middle, and junior high schools	1 for each 1 teacher, employee, or administrator, or the requirements of the auditorium, whichever is greater
Senior high schools	1 for each 1 teacher, employee, administrator,

	and 1 for each 5 students; or the requirements of the auditorium, whichever is greater
Colleges and universities	1 for each teacher, employee, administrator, and 1 for each 10 students
Government offices	1 for every 1000 square feet of usable floor area
Homes for the aged and convalescent homes	1 for each 3 beds or 2 rooms, whichever is less, plus 1 for each employee on duty based upon maximum employment shift.
Private clubs or lodges	1 for each 4 persons allowed within the maximum occupancy load as established by city, county, or state fire, building, or health codes

Business Parking Requirements	
Use	Requirements
Professional offices of doctors, dentists, or similar professions	4 for every 1000 square feet of usable floor area
Bank, business offices, or non-medical professional offices	1 for each 200 square feet of useable floor area, plus 2 spaces for each ATM, and stacking area equivalent to 3 stacking spaces for each drive up window
Restaurants and establishments for on premises sale and consumption of food, refreshments, and/or beverages	1 for each 2 persons of seating capacity
Food consumption services or drive in, drive through, or take out	Use seating capacity standards as applicable for sit-down restaurants. A minimum of 5 stacking spaces shall be provided for each service window where a drive through operation is present.
Motel, hotel, or other commercial lodging establishments	1 for each 1.5 occupancy unit plus 1 for each 1 employee, plus spaces for any dining rooms, cocktail lounges, ballrooms, or meeting rooms, based upon maximum occupancy code
Furniture and appliance, hardware, household equipment, repair shops, shoe repair, showroom of a plumber, decorator, electrician or similar trade, and other similar uses	1 for each 800 feet of useable floor area, plus 1 for each 2 employees
Retail stores, planned commercial or shopping centers by square feet of gross leasable area (GLA)	1 space per 150 square feet of useable floor area plus 3 stacking spaces are required for each service bay, window, or pedestal
A. 1 to 15,000 square feet GLA	
B. 15,001 to 400,000 square feet GLA	3.0 spaces minimum, 3.75 maximum, per 1000 GLA
C. 400,001 square feet GLA and higher	3.5 spaces minimum, 4 maximum, per 1000 GLA
Retail stores except as otherwise specified	1 for each 150 square feet of useable floor area

Convenience store, with or without automotive fuel service	4 spaces for every 1000 square feet of usable floor area, plus spaces required for automotive fuel service
Beauty parlor or barber shop	2 spaces for each of the first 2 beauty or barber chairs, and 1.5 spaces for each additional chair
Laundromats and coin operated dry cleaners	1 for each 4 washing and/or dry cleaning machines
Dry cleaners	2 for every 1000 square feet of gross leaseable floor area
Mortuary establishment	3 for each 100 square feet of useable floor area
Automobile service stations	2 for each service rack or pit and 1 for each single or dual gasoline pump, but not less than 6 spaces
Automobile wash (self-service or coin operated)	3 for each washing stall in addition to the stall itself, plus 1 upon exiting each stall
Automobile sales and service	1 for each 200 square feet of gross floor space of sales room and 1 for each 1 service stall.
Marine sales and service centers, including RVs	1 space for each employee, and 1 for each service stall. Add 1 space for every 400 square feet usable floor area of the sales room, but not less than 5 spaces with or without a showroom
Veterinary clinics or hospitals	4 for every 1000 square feet of usable floor area
Mini-warehouses, self-storage establishments	1 per 10 storage units, equally distributed throughout the storage area

Miscellaneous Use Parking Requirements	
Use	Requirements
Wholesale establishments	5 spaces, plus 1 for every 1.5 employees in the largest working shift; or 1 for every 1700 square feet of useable space, whichever is greater
Warehouse and/or storage building	5 spaces, plus 1 for each 3 employees; or 1 for every 1700 square feet of useable floor area, whichever is greater
Mini-Storage, Self Storage facilities	No designated parking spaces shall be required in addition to the traffic circulation pattern shown on the approved site plan.

Note: Any change of use shall be required to meet the parking requirements for the revised use, and obtain approval of such.

B. Loading Space Requirements

1. For every building, or addition to an existing building, hereafter erected to be occupied by a use allowed in any commercial zoning district or other similar use requiring the receipt or

distribution in vehicles of materials or merchandise, there shall be provided and maintained on the same premises with such building or addition, off street loading spaces in relation to floor area as follows:

- a. Up to twenty thousand (20,000) square feet — one (1) space.
 - b. Twenty thousand (20,000) to fifty thousand (50,000) square feet — two (2) spaces.
 - c. Fifty thousand (50,000) to one hundred thousand (100,000) square feet — three (3) spaces.
 - d. One (1) additional space for each additional one hundred thousand (100,000) square feet or fraction thereof.
2. Each loading space shall be a minimum of (10) feet in width, twenty-five (25) feet in length, and fourteen (14) feet in height. No loading space shall be located closer than fifty (50) feet to any lot in any residential district unless wholly within a completely enclosed building or enclosed on all sides by a wall.

Section 3.24 - Water Supply and Sewage Disposal Facilities

- A. All water supply and sanitary sewage disposal systems either public or private, for any building hereafter erected, altered or moved upon any premises shall be subject to compliance with District Health Department sanitary code requirements. Plans must be submitted to and approved by the responsible agencies.
- B. Permitted industrial uses shall be served by a public sewer service or an approved sanitary treatment facility, approved by the District Health Department. All treatment facilities shall meet all other applicable federal, state, and local standards and regulations. The effluent from same shall be disposed of in a manner and method which conforms to or exceeds the minimum standards of the State of Michigan Water Resources Commission and the District Health Department. The collection system used in conjunction with a packaged treatment facility shall be located and designed to readily connect into a future public sewer service system without the need for reconstruction of any main or lateral sewer links.

Section 3.25 - Stormwater Retention

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 (10) year design storm).

Section 3.26 - Groundwater Protection

These 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.

- 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 sewer system, an on-site holding tank, or a system authorized through a state groundwater discharge permit.
- 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.
- E. The Planning Commission may require a performance bond or similar assurance for safeguards prior to approval. The Planning Commission may require site plan review at five (5) year intervals.

Section 3.27 - Hazardous Substances

All toxic wastes shall be disposed of in accordance with all state or federal laws, rules and regulations governing the disposal of specific toxic substances.

Section 3.28 - Salvage or Dumping of Motor Vehicles

There shall be no salvaging or dumping of automobiles, trucks, trailers, tractors, or other similar vehicles within the Township, except in a legally authorized junk yard. Nor shall any unlicensed or inoperable motor vehicle be stored on any property unless stored within a totally enclosed structure or screened from adjacent properties and roads.

Section 3.29 - Dumping of Materials

The natural terrain shall not be altered in any fashion to create safety and health hazards or substantially alter the character of the land so as to make it unsafe for the uses for which it was originally zoned or to create olfactory or visual pollution.

- A. Dumping or stockpiling of waste material or junk; the collection, accumulation, storage or disposal of waste material, used construction material, junk, debris, or refuse is prohibited, except under the following circumstances.
 - 1. Such practices are a necessary accessory use to a permitted agricultural use.
 - 2. Such practices occur in a junk yard authorized under this Ordinance, and are included in the approved site plan.
 - 3. Such practices are a necessary accessory use to a commercial or industrial use

authorized under this Ordinance, and are included in the approved site plan.

- B. Dumping of soil, sand and clay materials: the material to be placed on the site shall be of such a composition as not to create potential contamination of the natural environment including groundwater, vegetation, soils and surface waters. No dumping of soil, sand, clay or similar material shall be undertaken that appreciably increases the surface runoff reaching adjacent or surrounding property. Surface runoff shall be dissipated by retention on the development parcel, percolation into the soil, evaporation, or by transport by natural drainage way or conduit to any appropriate point of discharge.
- C. Dumping of toxic materials and/or nuclear wastes shall not be allowed in Mikado Township.

Section 3.30 - Junkyards, Salvage Yards, Sanitary Landfills

- A. Junk yards may be established and maintained in accordance with all applicable Statutes of the State of Michigan, and are only permitted in the "AR" District, and shall be located only in sites which are completely screened from adjacent properties and public view in accordance with Article 9. Inoperative vehicles stored or contained in junk yards are permitted only in enclosed structures or in outside areas which are completely screened from adjacent properties and public view.
- B. Sanitary landfills shall:
 - 1. only be located in the "AR" District;
 - 2. only be permitted if planned to be located in the Township in accordance with the County's Solid Waste Management Plan prepared in conformance with Part 115 of the Natural Resources and Environmental Protection Act, as amended or under the jurisdiction of the Michigan Department of Environmental Quality in conformance Part 111 of the Natural Resources and Environmental Protection Act; as amended
 - 3. have direct access only permitted from an impervious hard surface paved all-weather year-round road as defined by the County Road Commission or State Department of Transportation.
- C. The location of a junkyard, salvage yard or sanitary landfill shall be at least one hundred twenty-five (125) feet from any public road. All uses of such facilities shall be completely screened from sight by natural terrain, or by a neatly finished and maintained wooden or masonry fence, or by well maintained evergreens.
- D. Glare from any process, such as arc welding, conducted at a junkyard, salvage yard or sanitary landfill, which emits harmful rays shall be screened so as not to constitute a hazard or nuisance to adjacent properties.

Section 3.31 - Outdoor Lighting

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

Lighting fixtures are to be of the full cut-off design with horizontally aligned flush mounted (non-protruding) lenses, directing light on-site only, and shall be no more than twenty (20) feet in height.

The Planning Commission may permit taller or require shorter fixtures only when the Commission determines that unique conditions exist and where a waiver would: reduce the number or size of light fixtures; not adversely impact neighboring properties and permit fixtures in proportion to height and bulk of nearby buildings and other fixtures. Site lighting shall not exceed twenty (20) foot candles as measured three (3) feet above the ground surface, directly under the fixture.

Section 3.32 - Outdoor Advertising Signs

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

A. General Provisions for all Zoning Districts

1. Flashing, rotating, animated, intermittent, glaring and oscillating signs; the location of any sign hazardous to traffic; and the clustering of signs within one hundred and fifty (150) feet of each other are prohibited.
2. Signs, which are in need of repair, other than normal maintenance, which are not securely affixed to a substantial structure; or which are obsolete; affixed to trees, rocks, or other natural features; or those that resemble official traffic signs; or obstruct official signs, are prohibited.
3. Any sign or advertising media existing prior to the adoption of this Ordinance, which does not conform to the provisions of this section, shall not be altered or replaced, other than normal maintenance, except in conformance with the provisions of this ordinance.
4. Any sign except those established and maintained by County, State or Federal governments shall not be erected in, nor project into, or overhang a street or road right-of-way.
5. Directional signs required for the purpose of orientation, when established by County, State or Federal governments shall be permitted in all zoning districts.
6. No outdoor advertising structure shall be erected in such a manner that the position, size, movement, shape or color may interfere with the view of or be confused with any public traffic sign or device.
7. Sign illumination shall not cause a reflection or glare on any portion of a public highway, in the path of oncoming vehicles, or on adjacent premises or residence(s).
8. Temporary political signs not exceeding four (4) square feet may be located in any zoning district and shall be removed within fourteen (14) days following the election date. Other temporary signs shall be removed at the completion of the advertised event.
9. One (1) real estate sign not exceeding four (4) square feet per premises or building is permitted to be located only while said real estate is actually on the market for sale, rent or lease. Such real estate sign may be placed in the road right-of-way, but not on the shoulder of the road and not nearer an intersection than a sign indicating that there is a "stop sign

ahead". Two (2) real estate signs shall be permitted if said property fronts two (2) roads or streets. Off-premise signs pertaining to real estate developments located in the Township and designed to promote the sale of lots or homes within a subdivision located in the Township are permitted on a temporary basis in any zoning district, but shall not be located upon subdivided land unless such land is part of the subdivision being advertised for sale.

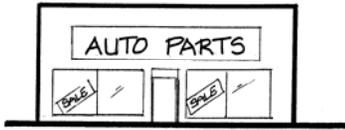
10. Signs which express non-commercial speech may be erected in any district. Such signs shall not exceed four (4) square feet in size.

B. Limitations by Districts

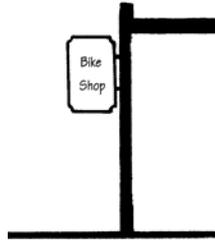
The use of outdoor advertising signs and media shall be limited in the respective districts to the following, subject to the requirements of Subsection A above.

1. Residential District (R-1) and (R-2), Agricultural Residential District (A-R), Forest Recreational District (F-R), and Resource Conservation (RC) District.
 - a. One on-premise advertising sign for principal and Special Land Uses other than dwellings, shall not exceed eighteen (18) square feet, shall not be located nearer to the front lot line than one-half (1/2) the required front yard setback, and shall not exceed six (6) feet in height.
 - b. One (1) identification sign per dwelling unit, including home occupations and cottage industries, not exceeding four (4) square feet in area.
 - c. One (1) advertising and informational sign per public or semi-public institution, located on-premises not exceeding thirty-two (32) square feet, and set back at least twenty-five (25) feet from the front lot line and ten (10) feet from the rear and side lot lines.
 - d. No off-premise advertising signs shall be permitted in the R-1 and R-2 Districts.
2. Commercial District (C)
 - a. No sign shall project beyond or overhang the wall, or any permanent architectural feature by more than one (1) foot, and shall not project above or beyond the highest point of the roof or parapet.
 - b. Up to two (2) on-premise advertising signs per principal business or commercial use shall be allowed. Each allowed sign shall have a total square footage not to exceed thirty-six (36) square feet in area and shall not exceed fifteen (15) feet in height or the height of the building, whichever is greater, and set back from the front lot line at least ten (10) feet.

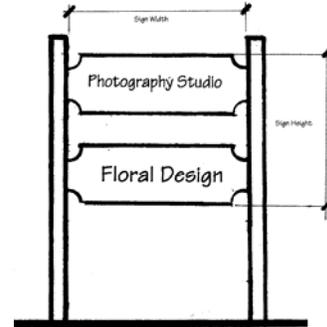
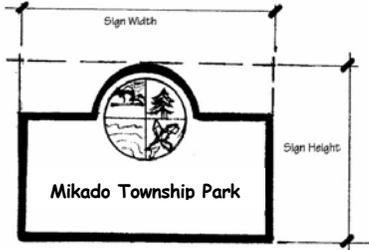
Wall Signs



Projecting Sign



Ground Sign



Section 3.33 Billboards

The regulation of billboards is intended to enhance and protect community character and image by minimizing visual blight and pollution, and to minimize traffic safety hazards due to diversion of the driver's attention and blockage of sight distances. Billboard regulations address the location, size, height and related characteristics of such signs.

A. Intent

The sign standards contained in this ordinance are declared necessary to protect the general health, peace, safety and welfare of the citizens of Mikado Township and are based on the following objectives:

1. To avoid excessive property and use signing in order to give each use optimum visibility to passer-by traffic and if possible, to prevent one sign from blocking the view of another sign.
2. To place signs in such a way that scenic views are respected and visual obstructions to the natural landscape are minimized.
3. To protect the character of Mikado Township.

B. Billboard Regulations

Billboards may be established in the Commercial District provided that they meet the following conditions:

1. Not more than three (3) billboards may be located per linear mile of street or highway regardless of the fact that such billboards may be located on different sides of the subject street or highway. The linear mile measurement shall not be limited to the boundaries of Mikado Township where the particular street or highway extends beyond such boundaries.

Double faced billboard structures (i.e., structures having back-to-back billboard faces) and V-type billboard structures having only one (1) face visible to traffic proceeding from any given direction on a street or highway shall be considered as one billboard. Additionally, billboard structures having tandem billboard faces (i.e., two (2) parallel billboard faces facing the same direction and side-by-side to one another) shall be considered as one (1) billboard. Otherwise, billboard structures having more than one (1) billboard face shall be considered as two (2) billboards and shall be prohibited in accordance with the minimum spacing requirement set forth in subsection below.

2. No billboard shall be located within one thousand (1,000) feet of another billboard abutting either side of the same street or highway.
3. No billboard shall be located within two hundred (200) feet of a residential zone and/or existing residence. If the billboard is illuminated, this required distance shall instead be three hundred (300) feet.
4. No billboard shall be located closer than seventy-five (75) feet from a property line or public right-of-way. No billboard shall be located within ten (10) feet from any interior boundary lines of the premises on which the billboard is located.
5. The surface display area of any side of a billboard may not exceed seventy-two (72) sq. feet
6. The height of a billboard shall not exceed thirty (30) feet above the elevation of the centerline of the abutting roadway.
7. No billboard shall be installed or placed on top of, cantilevered or otherwise suspended above the roof of any building.
8. A billboard may be illuminated, provided such illumination is concentrated on the surface of the sign and is so located as to avoid glare or reflection onto any portion of an adjacent street or highway, into the path of on-coming vehicles, or on any adjacent premises. In no event shall any billboard have flashing or intermittent lights, nor shall the lights be permitted to rotate or oscillate.
9. A billboard must be constructed in such a fashion that it will withstand all wind and vibration forces which can normally be expected to occur in the vicinity. A billboard must be maintained so as to assure proper alignment of structure, continued structural soundness, and continues readability of message.
10. A billboard established within a business, commercial, or industrial area, as defined in the Highway Advertising Act of 1972 (1972 PA 106, as amended) bordering interstate highways, freeways or primary highways as defined in said Act shall in addition to complying with the above conditions, also comply with all applicable provisions of said Act and the regulations promulgated thereunder, as such may from time to time be amended.

No person, firm or corporation shall erect a billboard within Mikado Township without first obtaining a permit from the Mikado Township Zoning Administrator, which permit shall be granted upon a showing of compliance with the provisions of this ordinance and payment of a fee. Permits shall be issued for a period of one year, but shall be renewable annually upon inspection of the billboard by

the Mikado Township Zoning Administrator confirming continued compliance with this ordinance and payment of the billboard permit fee. The amount of the zoning permit fee required hereunder shall be established by resolution of the Mikado Township Board and shall bear a reasonable relationship to the cost and expense of administering this permit requirement. The Mikado Township Board shall further have the right to amend the aforementioned resolution from time to time within the foregoing limits of reasonableness.

Section 3.34 - Telecommunication Towers and Alternative Tower Structures

Antenna Co-location on an Existing Tower or Structure

- 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.
- C. No antenna or similar sending and receiving devices appended to the tower or structure shall increase the overall height of the tower or structure by more than ten (10) feet.
- D. Regulations pertaining to the construction of telecommunications towers and alternative tower structures are contained in Article 9, Section 9.0 (R).

Section 3.35 - Pets and Livestock

- A. Domestic household pets, including dogs, cats, birds and fish, but not including poisonous or dangerous reptiles, wild or dangerous animals may be kept as an accessory residential use on any premises without a zoning permit, but subject to state and county canine licensing requirements. The keeping of more than six (6) dogs, other than dogs under six (6) months of age born to a female dog under the care, custody, or control of resident of the property, will be considered a kennel and requires a zoning permit as such.
- B. The following shall apply to the keeping of livestock on platted premises within the Township. The raising and keeping of livestock is prohibited on any platted properties used primarily for residential or commercial purposes. Special exceptions may be made for 4-H projects and similar activities in the A-R, F-R and RC district zoning classifications so long as:
 - 1. Adequate space shall be provided for the clean and healthful keeping of such animals.
 - 2. Such animals shall be kept so as not to present a danger to the property of others or to human life and limb.
 - 3. Such animals shall be kept so that manure piles shall not be offensive to nearby properties.
- C. The raising and keeping of animals that are not classified as livestock is allowed in the A-R, F-R, and RC Districts. In addition:

1. Adequate space shall be provided for the clean and healthful keeping of such animals.
2. Such animals shall be kept so as not to present a danger to the property of others or to human life and limb.
3. Such animals shall be kept so that manure piles shall not be offensive to nearby properties.

Section 3.36 - 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 the provisions of Section 405 of the Zoning Enabling Act (MCL125. 3405) 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 purport to 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 under the terms of this Ordinance may only be commenced if a Special Land Use permit for such use or development is ultimately granted in accordance with the provisions of this Ordinance.
 6. Any use or development proposed as part of an offer of conditions that would require a variance under the terms of this Ordinance may only be commenced if a variance for such use or development is ultimately granted by the Zoning Board of Appeals in accordance with the provisions of this Ordinance.
 7. Any use or development proposed as part of an offer of conditions that would require site plan approval under the terms of this Ordinance may only be commenced if site plan approval for such use or development is ultimately granted in accordance with the provisions of this Ordinance.

8. The offer of conditions may be amended during the process of rezoning consideration provided that any amended or additional conditions are entered voluntarily by the owner. An owner may withdraw all or part of its offer of conditions any time prior to final rezoning action of the Township Board provided that, if such withdrawal occurs subsequent to the Planning Commission's public hearing on the original rezoning request, then the rezoning application shall be referred to the Planning Commission for a new public hearing with appropriate notice and a new recommendation.

C. Planning Commission Review.

1. The Planning Commission, after public hearing and consideration of the factors for rezoning, may recommend approval, approval with recommended changes or denial of the rezoning; provided, however, that any recommended changes to the offer of conditions are acceptable to and thereafter offered by the owner.
2. Township Board Review - After receipt of the Planning Commission's recommendation, the Township Board shall deliberate upon the requested rezoning and may approve or deny the conditional rezoning request. The Township Board's deliberations shall include, but not be limited to, a consideration of the factors for rezoning. 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 have the option, but not be required to refer such amendments to the Planning Commission for a report thereon within a time specified by the Township Board and proceed thereafter to deny or approve the conditional rezoning with or without amendments.
3. Approval.
 - a. 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.
 - b. The Statement of Conditions shall:
 - 1) Be in a form recordable with the Register of Deeds of Alcona County or, in the 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.
 - 2) Contain a legal description of the land to which it pertains.
 - 3) Contain a statement acknowledging that the Statement of Conditions runs with the land and is binding upon successor owners of the land.
 - 4) 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.

- 5) 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 Register of Deeds of Alcona County.
 - 6) Contain the notarized signatures of all of the 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.
- c. Upon the rezoning taking effect, the Zoning Map shall be amended to reflect the new zoning classification along with a designation that 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.
 - d. The approved Statement of Conditions or an Affidavit or Memorandum giving notice thereof shall be filed by the Township with the Register of Deeds of Alcona County. The Township Board shall have authority to waive this requirement if it determines that, given the nature of the conditions and/or the time frame 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.
 - e. Upon the rezoning taking effect, the use of the land so rezoned shall conform thereafter to all of the requirements regulating use and development within the new zoning district as modified by any more restrictive provisions contained in the Statement of Conditions.
 - f. 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 of 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 Zoning Ordinance and be punishable accordingly. Additionally, any such violation shall be deemed a nuisance per se and subject to judicial abatement as provided by law.
 - 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.
 - g. Time Period for Establishing Development or Use - Unless another time period is specified in the Ordinance rezoning the subject land, the approved development and/or use of the land pursuant to building and other required permits must be commenced upon the land within eighteen (18) months after the rezoning took effect and thereafter proceed diligently to completion. This time limitation may upon written request be extended by the Township Board if 1) it is demonstrated to the 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.

Section 3.37 - Conversion of Private Roads. Private roads are to be privately funded and maintained by the adjoining property owners unless and until an agreement is reached with the County Road Commission transferring jurisdiction, road maintenance and improvement responsibilities to it.

ARTICLE 4: ZONING DISTRICTS AND MAP

Section 4.0 - Classification of Zoning Districts

For the purpose of this Ordinance, the Township of Mikado is hereby divided into the following Zoning Districts:

R-1	Single-Family Residential District
R-2	Multiple-Family Residential District
A-R	Agricultural - Residential District
F-R	Forest Recreational District
C	Commercial District
RC	Resource Conservation District
PUD	Planned Unit Development District

Section 4.1 - Zoning Map

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

Section 4.2 - Boundaries of Districts

The boundaries of these districts are hereby established as shown on the "Official Zoning Map of Mikado Township", which accompanies this Ordinance, and which with all notations, references, and other information shown thereon shall be as much a part of this Ordinance as if fully described herein:

- A. Unless shown otherwise, the boundaries of the districts are lot lines, section lines, the centerlines of streets, alleys, roads, or such lines extended, and the unincorporated limits of the Township.
- B. A boundary indicated as following a shoreline shall be construed as following such shoreline, and in the event of change in a shoreline shall be construed as following the actual shoreline.
- C. A boundary indicated as following the centerline of a stream, river, canal, lake or other body of water shall be construed as following such centerline.

D. Where, due to the scale, lack of detail, or illegibility of the Zoning Map accompanying this Ordinance there is any uncertainty, contradiction, or conflict as to the intended location of any district boundaries shown thereon interpretation concerning the exact location of district boundary lines shall be determined, upon written application, or upon its own motion, by the Zoning Board of Appeals.

Section 4.3 - Public Rights-of-Way

Each street, alley, railroad right-of-way, or other public right-of-way is zoned to the center line according to the zoning of the properties immediately adjacent to the public right-of-way.

Section 4.4 - Zoning of Vacated Areas

Whenever any street, alley or other public way within Mikado Township shall have been vacated by official governmental action, and when the lands within the boundaries thereof attach to and become a part of the land formerly within such vacated street, alley or public way said property shall automatically, and without further governmental action, thenceforth acquire and be subject to the same zoning regulations as are applicable to the lands to which same shall attach, and the same shall be used as is permitted under Ordinance for such adjoining lands.

Section 4.5 - Zoning of Filled Areas

Whenever, after appropriate permits are obtained, any fill material is placed in any lake, stream, or wetland so as to create a usable or buildable space, such fill area shall take on the Zoning District and accompanying provisions of the land abutting said fill area. No use on any lake or stream shall be allowed which does not conform to the Ordinance provisions on the property from which said property emanates. No fill material shall be placed in any lake or stream within the Township unless appropriate permits are obtained from the Michigan Department of Environmental Quality and the U.S. Army Corps of Engineers, if necessary.

Section 4.6 - Zoning District Changes

When district boundaries change, any legal non-conforming use may continue subject to all other applicable provisions of this Ordinance.

ARTICLE 5: DISTRICT REGULATIONS

Section 5.0 – (R-1) Single-Family Residential District

A. Purpose

The purpose of this district and its accompanying regulations is to provide a stable and sound low- and medium-density residential environment for single family housing neighborhoods free from other uses, except those which are 1) normally accessory to and 2) compatible with, supportive of and convenient to the various types and compositions of families living within such residential land use areas. The size of lots and parcels should be planned to be of such area and width so that they can sustain healthful and sanitary on-site water supply and wastewater disposal.

B. Permitted Uses

Land and/or buildings in the R-1 Zoning District shall be used for the following purposes:

1. Detached single-family dwelling units including a private attached or detached garage for passenger automobiles not exceeding a three (3)-car capacity.
2. Publicly owned parks and playgrounds.
3. Home Occupations.
4. State-Licensed Residential Facilities housing six (6) or fewer persons.
5. Family Day Care Homes.

C. Uses by Special Land Use Permit

Special approval use of lands and premises, and the erection and use of buildings and structures shall, after the effective date of this Ordinance, be limited to the following uses and shall be subject to the provisions of **Article 7: Site Plan Review**, **Article 8: Special Land Uses** and the applicable portions of **Article 9: Supplemental Regulations**.

1. Municipal buildings and uses.
2. Museums; Libraries.
3. Non-profit recreation areas.
4. Religious institutions.
5. Schools licensed or chartered by the State of Michigan.
6. Educational and social institutions.
7. Cottage Industries.
8. Group Day Care Homes or Child Care Centers.
9. Tourist homes, boarding houses, bed & breakfast facilities.
10. Public utility facilities without storage yards.
11. 4-H projects and similar activities.

D. Height Regulations

No building shall exceed thirty-five (35) feet in height measured from grade level. Height regulations shall apply to any area that could be used as living space (belfries, etc.), but shall not apply to areas that could not be used for living space (chimneys, etc.).

E. Area Regulations

No building or structure shall hereafter be erected, altered or enlarged unless the following setback and lot requirements are provided and maintained in connection with such building, erection, alteration or enlargement.

1. **Front Yard** - There shall be a front yard of not less than forty (40) feet.
2. **Side Yard** – There shall be a side yard shall of not less than ten (10) feet on each side of any dwelling, except on the longest street side of a corner lot where a twenty-five (25') foot side setback shall be provided and maintained. Principal buildings other than dwellings shall have side yards of not less than ten (10) feet in width, provided that the side yards of buildings exceeding twenty-five (25) feet in height shall be increased one (1) foot for each foot in excess of such height.
3. **Rear Yard** - There shall be a rear yard of not less than ten (10) feet. Principal buildings other than dwellings shall have a back yard not less than ten (10) feet in width provided that the rear yard of buildings exceeding twenty-five (25) feet in height will increase one (1) foot in excess of such height.
4. **Lot Area** – The minimum lot size in the R-1 District is fifteen thousand (15,000) square feet in area with a minimum width of one hundred (100) feet of street frontage. Each lot will not exceed a depth ratio of 4 to 1. (Example: if a lot is one hundred fifty (150) feet wide, the depth cannot exceed six hundred (600) feet.
5. **Floor Area Regulations** - Each dwelling unit in this zoning district shall have a minimum of eight hundred (800) square feet of floor area exclusive of unenclosed porches, garages, and basements.

F. Accessory Buildings or Structures

Accessory buildings or structures in this district are permitted and may include detached **private** garages and other structures. A single, permanent one-story accessory building or structure is permitted on each parcel or lot in addition to one (1) one-story or (2) two-story detached garage without living space. The one (1) additional accessory building or structure must architecturally conform to the majority of the residential homes in the immediate area. Temporary accessory buildings or structures and/or sheds shall be no more than two hundred (200) square feet and shall be limited to two (2) per lot.

G. Fences

In addition to the general requirements of **§3.21**, the following regulations shall apply to all fences within the R-1 District:

1. Fences located in a front yard of a lot shall be a height of no more than four (4) feet, as measured vertically from the surface of the ground to the top of the fence/post combination. For the purposes of fencing, the front yard shall be considered as beginning at the front of the primary structure to the front property line.

2. Fences located in a front yard of a lot shall be constructed of brick, stone, wood boards, split rails, wrought iron, decorative concrete blocks, decorative chains, decorative rope, or similar material. No chain link fences shall be constructed in a front yard.
3. Fences located in a rear or side yard shall be a height of no more than eight (8) feet, as measured vertically from the surface of the ground to the top of the fence/post combination; provided, however, that fences located in a side yard shall not extend closer to the front lot line than the front of the principal building or the required front yard setback, whichever point is farther back from the front lot line.
4. Fences located in a rear or side yard shall be a constructed of brick, stone, wood boards, split rails, wrought iron, decorative concrete blocks, decorative chains, decorative rope, or similar material. Chain link fences are permitted in rear and side yards.
5. All fences shall be finished on both sides.

Section 5.1 – (R-2) Multiple-Family Residential District

A. Purpose

This zoning district is provided to encourage the development of a sound and stable environment for multiple-family dwelling units.

B. Permitted Uses

Land and/or buildings in the R-2 Zoning District shall be used for the following purposes:

1. All uses permitted under Section 5.0 (B).
2. Multiple-family dwellings

C. Uses by Special Land Use Permit

Special approval use of lands and premises, and the erection and use of buildings and structures shall, after the effective date of this Ordinance, be limited to the following uses and shall be subject to the provisions of **Article 7: Site Plan Review**, **Article 8: Special Land Uses** and the applicable portions of **Article 9: Supplemental Regulations**.

1. All uses permitted under Section 5.0 (C).
2. Hospitals, convalescent homes.

D. Height Regulations

No building shall exceed thirty-five (35') feet in height measured from grade level. Height regulations shall apply to any area that could be used as living space (belfries, etc.), but shall not apply to areas that could not be used for living space (chimneys, etc.).

E. Area Regulations

No building or structure shall hereafter be erected, altered or enlarged unless the following setback and lot requirements are provided and maintained in connection with such building, erection, alteration or enlargement.

1. **Front Yard** - Where it is the intention of the developer of a multiple family unit to utilize the front yard area for parking, there shall be a setback from the right-of-way of each street on which the "R-2" Zoning District abuts of at least sixty-five (65) feet; of which the front twenty-five (25) feet shall be landscaped. Where the front yard area is not used for parking, there shall be a setback from the right-of-way of all streets on which the "R-2" Zoning District abuts of forty (40) feet; the total area of which shall be landscaped.
2. **Side and Rear Setbacks** – For multiple family homes, there shall be a minimum side yard of twenty (20) feet and a minimum rear yard of twenty (20) feet, except where the subject property abuts any single family zoning district in which case side yards and rear yard shall be thirty (30) feet. Single-family homes in the R-2 district shall have the

same side and rear setbacks as single-family homes in the R-1 district. Principal buildings other than dwellings shall have side yards of not less than ten (10) feet in width, provided that the side yards of buildings exceeding twenty-five (25) feet in height shall be increased one foot for each foot in excess of such height.

3. **Lot Area** – The minimum lot size in the R-2 District is fifteen thousand (15,000) square feet in area with a minimum width of one hundred (100') feet of street frontage. Each lot will not exceed a depth ratio of 4 to 1. (Example: if a lot is one hundred fifty (150) feet wide, the depth cannot exceed six hundred (600) feet)
4. **Floor Area Regulations** - Each multiple-family dwelling unit in this zoning district shall have a minimum of six hundred (600) square feet of floor area exclusive of unenclosed porches, garages, and basements. Each single-family dwelling unit in this zoning district shall have a minimum of eight hundred (800) square feet of floor area exclusive of unenclosed porches, garages, and basements.

F. Density Regulations

No land shall hereafter be used in this zoning district unless the following density regulations are followed and maintained.

1. Not more than four (4) dwelling units per acre shall be permitted in this zoning district, except as otherwise herein provided.
2. There shall be a minimum of fifty percent (50%) of the net area of the proposed "R-2" Zoning District maintained as open space or non-profit recreational uses.
3. Density bonuses will be allowed provided the developer follows the following schedule:

Open Space*	Density**
50%	4 units/acre
60%	6 units/acre
70%	8 units/acre
75%	10 units/acre

*Percent of Net Acreage

** Units/Net Acre

4. In the process of determining the net acreage available for construction in a particular "R-2" project, the developer shall not consider the following:
 - a. Lands having a slope greater than twenty percent (20%): Twenty (20) feet of vertical fall in one hundred (100) lineal feet.
 - b. Lands covered by water or wetlands as defined by the Michigan Department of Environmental Quality.
 - c. Lands currently being utilized as a power line or gas line right-of-way, or dedicated as some other type of right-of-way.

G. Other Development Regulations

1. The horizontal distance measured in feet between parallel or nearly parallel elements of buildings forming courts and courtyards shall be not less than twice the height of the

taller building measured in feet.

2. All areas provided for use by vehicles shall be surfaced with bituminous asphalt, concrete or similar materials.
3. Areas for loading and unloading delivery trucks and other vehicles and for refuse collection service, fuel and other services shall be provided; shall be adequate in size; and shall be arranged in such a fashion that they may be utilized without blockage or interference with the use of driveways or automobile parking facilities.
4. Provisions shall be made for safe and efficient ingress and egress to the public streets and highways servicing the "R-2" Zoning District without undue congestion or interference with normal traffic flow.
5. All utility lines (power, telephone, water, gas, cable TV) serving the "R-2" Zoning District shall be placed underground.
6. The developer shall be required, where possible, to preserve or incorporate natural features such as woods, streams and open spaces that add to the overall enhancement of the area.
7. The developer shall be required to provide community areas, laundry facilities, playground and tot lots, and other services necessary for the comfort and convenience of "R-2" residents.
8. All outside storage areas for trash shall be enclosed by a six (6) foot high solid wall or fence.
9. A site plan shall be submitted for each multiple family development in the "R-2" Zoning District in accordance with **Article 7** of this Ordinance. Said plan shall indicate or illustrate how the requirements of this section are being met.

H. Accessory Buildings or Structures

Accessory buildings or structures in this district shall include detached **private** garages, carports and other structures. A single, permanent one-story accessory building or structure is permitted on each parcel or lot in addition to one (1) one-story or (2) two-story detached garage. The one (1) additional accessory building or structure must architecturally conform to the majority of the residential homes in the immediate area. Temporary accessory buildings or structures and/or sheds shall be no more than two hundred (200) square feet and shall be limited to two (2) per lot.

I. Fences

In addition to the general requirements of **§3.21**, the following regulations shall apply to all fences within the R-2 District:

1. Fences located in a front yard of a lot shall be a height of no more than four (4) feet measured vertically from the surface of the ground to the top of the fence/post combination. For the purposes of fencing, the front yard shall be considered as

beginning at the front of the primary structure to the front property line.

2. Fences located in a front yard of a lot shall be constructed of brick, stone, wood boards, split rails, wrought iron, decorative concrete blocks, decorative chains, decorative rope, or similar material. No chain link fences shall be constructed in a front yard.
3. Fences located in a rear or side yard shall be a height of no more than eight (8) feet, measured vertically from the surface of the ground to the top of the fence/post combination; provided, however, that fences located in a side yard shall not extend closer to the than the front of the principal building or the required front yard setback, whichever point is farther back from the front lot line.
4. Fences located in a rear or side yard shall be a constructed of brick, stone, wood boards, split rails, wrought iron, decorative concrete blocks, decorative chains, decorative rope, or similar material. Chain link fences are permitted in a rear or side yard.
5. All fences shall be finished on both sides.

Section 5.2 – (A-R) Agricultural-Residential District

A. Purpose

This zoning district provides for a mix of agricultural and residential use with limited commercial uses relating chiefly to agriculture or human care.

B. Permitted Uses

Land and/or buildings in the A-R Zoning District shall be used for the following purposes:

1. All uses permitted under Section 5.0 (B).
2. Farms with a minimum of five (5) acres including production of all field crops, fruits, pasture, woodlots, farm forestry and livestock.
3. Tourist homes, boarding houses, bed and breakfast facilities.
4. Home occupations or cottage industries.

C. Uses by Special Land Use Permit

Special approval use of lands and premises, and the erection and use of buildings and structures shall, after the effective date of this Ordinance, be limited to the following uses and shall be subject to the provisions of **Article 7: Site Plan Review**, **Article 8: Special Land Uses** and the applicable portions of **Article 9: Supplemental Regulations**.

1. All uses permitted under Section 5.0 (C) except tourist homes, boarding houses, and bed and breakfast facilities, which shall be considered a primary use.
2. Club or lodge.
3. Agricultural business related to the sale of field crops, forest products, and livestock raised or finished on the property.
4. Veterinary services, animal clinics, animal hospitals, and kennels.
5. Commercial recreational enterprises.
6. Hospitals, clinics, convalescent homes and similar facilities for human care.
7. Public utility buildings.
8. Motels.
9. Manufactured housing communities.
10. Riding arenas or boarding stables.
11. Golf courses.
12. Agricultural products processing.
13. Agricultural products storage facilities.
14. Bulk seed, feed, fertilizer and nursery stock outlets and distribution centers.
15. Greenhouses and nurseries.
16. Private airports and landing fields.
17. Telecommunication antenna and facilities.
18. Wind Turbine Generators, Commercial and Anemometer Towers.
19. Cemeteries.
20. Junkyards and salvage material storage yards.

D. Height Regulations

No dwelling shall exceed thirty-five (35) feet in height measured from grade level. Height regulations shall apply to any area that could be used as living space (belfries, etc.), but shall not apply to areas that could not be used for living space (chimneys, etc.).

E. Area Regulations

No building or structure shall hereafter be erected, altered or enlarged unless the following setback and lot requirements are provided and maintained in connection with such building, erection, alteration or enlargement:

1. **Front Yard** - There shall be a front yard of not less than forty (40) feet.
2. **Side Yard** – For dwellings, there shall be a side yard shall of not less than ten (10) feet on each side of any dwelling, except on the longest street side of a corner lot where a twenty-five (25) foot side setback shall be provided and maintained. Principal buildings other than dwellings shall have side yards of not less than twenty-five (25) feet.
3. **Rear Yard** - There shall be a rear yard of not less than twenty-five (25) feet.
4. **Lot Area** – The minimum lot size in the Agricultural-Residential District is five (5) acres.
5. **Floor Area Regulations** - Each dwelling unit in this zoning district shall have a minimum of eight hundred (800) square feet of floor area exclusive of unenclosed porches, garages, and basements.

F. Fences

In addition to the general requirements of **§3.21**, the following regulations shall apply to all fences within the A-R District:

1. Fences located in a front yard of a lot shall be a height of no more than four (4) feet, as measured vertically from the surface of the ground to the top of the fence/post combination. For the purposes of fencing, the front yard shall be considered as beginning at the front of the primary structure to the front property line.
2. Fences located in a front yard of a lot shall be constructed of brick, stone, wood boards, split rails, wrought iron, decorative concrete blocks, decorative chains, decorative rope, or similar material. No chain link fences shall be constructed in a front yard.
3. Fences located in a rear or side yard shall be a height of no more than eight (8) feet, as measured vertically from the surface of the ground to the top of the fence/post combination; provided, however, that fences located in a side yard shall not extend closer to the front lot line than the front of the principal building or the required front yard setback, whichever point is farther back from the front lot line.
4. Fences located in a rear or side yard shall be a constructed of brick, stone, wood boards, split rails, wrought iron, decorative concrete blocks, decorative chains, decorative rope, or similar material. Chain link fences are permitted in a rear or side

yard. Barbed wire and electrified fencing is permitted for agricultural purposes.

Section 5.3 – (C) Commercial District

A. Purpose

The "C" Commercial District is designed to provide for a general commercial district containing uses which include services and retail sales or combination retail/wholesale of commodities catering to the entire community and to the needs of highway and tourist traffic.

B. Permitted Uses

Land and/or buildings in the Commercial Zoning District shall be used for the following purposes:

1. Retail business and combination retail/wholesale business without outside sales or storage.
2. Professional offices.
3. Banks and financial Institutions.
4. Hotel and motel.
5. Restaurant, bars, taverns, not including drive-through.
6. Office buildings and uses.
7. Business and personal service facilities.
8. Municipal buildings and uses.
9. Public utility facilities without storage yards.
10. Religious institutions.
11. Civic, social, and fraternal organization facilities.
12. Small appliance repair shops.
13. Contractor business.
14. Funeral homes/mortuaries.

C. Uses by Special Land Use Permit

Special approval use of lands and premises, and the erection and use of buildings and structures shall, after the effective date of this Ordinance, be limited to the following uses and shall be subject to the provisions of **Article 7: Site Plan Review**, **Article 8 Special Land Uses** and the applicable portions of **Article 9: Supplemental Regulations**.

1. Recreation and sports facilities – private.
2. Restaurants with drive-through service.
3. Trucking transfer station.
4. Gasoline station.
5. **Automobile** repair garage.
6. Auto sales/rental facility.
7. Outdoor sales facility.
8. Storage uses.
9. Veterinary services and hospitals, not including kennels.
10. Telecommunications antenna and facilities.
11. Residences within or above a commercial establishment.
12. Radio and television towers.

13. Schools licensed or chartered by the State of Michigan.
14. Laundry and dry cleaning facilities.
15. Sexually oriented businesses.

D. Height of Building

No building shall exceed thirty-five (35) feet in height. Height regulations shall apply to any area that could be used as commercial space (belfries, etc.), but shall not apply to areas that could not be used for commercial space (chimneys, etc.).

E. Area Regulations

No building or structure shall hereafter be erected, altered or enlarged unless the following setbacks and lot areas are provided and maintained in connection with such alteration, construction or enlargement.

1. **Front Setback** - There shall be a front setback of not less than twenty (20) feet, provided that where established buildings on adjacent lots vary from this minimum, a new building shall be constructed with a front setback of no less depth than the front setback of those buildings located on either side of the proposed building. This shall not be interpreted to require a front setback of more than forty (40) feet nor less than fifteen (15) feet.
2. **Side Setbacks** - There shall be a side setback on each side not less than ten (10) feet in width.
3. **Rear Setback** - There shall be a rear setback of no less than ten (10) feet in depth.
4. **Lot Area** – There shall be no minimum lot area in the Commercial District.
5. **Floor Area Regulations** - There shall be no minimum floor area in the Commercial District.

F. Other Development Regulations

A site plan shall be submitted for each permitted use in this zoning district in accordance with **Article 7** of this Ordinance. Said plan shall indicate or illustrate how the requirements of this section are being met.

All outside storage areas for trash shall be enclosed by a six (6) foot high solid wall or fence.

A greenbelt and/or buffer strip, as defined herein, shall be provided when a commercial use in this zone abuts a residential use, conservation reserve use, or forest recreational use on either of the side lot lines or on the rear lot line. This may be provided as part of the side setback or rear setback requirement.

G. Fences

In addition to the general requirements of **§3.21**, the following regulations shall apply to all fences within the Commercial District:

1. Fences shall not be constructed within that portion of a front yard between the street right-of-way and the nearest side of the principal building.

2. Fences located in a rear or side yard shall be a height of no more than twelve (12) feet measured vertically from the surface of the ground.
3. Fences located in a rear or side yard shall be constructed of brick, stone, wood boards, split rails, wrought iron, decorative concrete blocks, decorative chains, decorative rope, or similar material. Chain link fences are permitted in a rear or side yard.
4. Barbed wire strands may be affixed to a fence used to enclose storage areas or other similar commercial or manufacturing uses, provided that no portion of the barbed wire strands is lower than six (6) feet from the nearest ground level.

Section 5.4 – (F-R) Forest-Recreational District

A. Purpose

This zoning district is provided to promote the proper use, enjoyment, and conservation of the water, land, topographic and forest land resources of the township which are particularly adapted to general and recreational and forest uses.

B. Permitted Uses

Land and/or buildings in the F-R Zoning District shall be used for the following purposes:

1. All uses permitted under Section 5.0 (B).
2. Home Occupations and Cottage Industries.
3. Timber harvesting but not the manufacture of wood products.
4. Legal harvesting of any native crop.
5. Public and private recreation areas.
6. Public areas for forest preserves, game refuges and similar uses.
7. Game preserves where hunting is permitted (e.g. a hunt club).
8. Forestry and forest management.
9. Raising and growing plants, trees, shrubs, and nursery stock.
10. Riding arenas or boarding stables.

C. Uses by Special Land Use Permit

Special approval use of lands and premises, and the erection and use of buildings and structures shall, after the effective date of this Ordinance, be limited to the following uses and shall be subject to the provisions of **Article 7: Site Plan Review**, **Article 8: Special Land Uses** and the applicable portions of **Article 9: Supplemental Regulations**.

1. Mines, quarries, and gravel pits.
2. Saw mills which would operate for more than sixty (60) days per year.
3. Lumber yards.
4. Municipal buildings and uses.
5. Religious institutions.
6. Campgrounds.
7. Gun club/sportsman club.
8. Private clubs.
9. Outdoor amusement facilities (e.g. miniature golf).
10. Outdoor kennels.
11. Retail sales of trees, shrubs, and nursery stock.
12. Greenhouses and nurseries.
13. Apiary farms.
14. Forest products processing.
15. Contractor facilities.
16. Oil and gas related extraction facilities.
17. Cemeteries.

D. Height Regulations

No dwelling shall exceed thirty-five (35) feet in height measured from grade level. Height regulations shall apply to any area that could be used as living space (belfries, etc.), but shall not apply to areas that could not be used for living space (chimneys, etc.).

E. Area Regulations

No building or structure shall hereafter be erected, altered or enlarged unless the following setback and lot requirements are provided and maintained in connection with such building, erection, alteration or enlargement.

1. **Front Yard** - There shall be a front yard of not less than forty (40) feet.
2. **Side Yard** – For dwellings, there shall be a side yard shall of not less than ten (10) feet on each side of any dwelling, except on the longest street side of a corner lot where a twenty-five (25) foot side setback shall be provided and maintained. Principal buildings other than dwellings shall have side yards of not less than twenty-five (25) feet.
3. **Rear Yard** - There shall be a rear yard of not less than twenty-five (25) feet.
4. **Lot Area** – The minimum lot size in the Forest-Recreation District is five (5) acres.
5. **Floor Area Regulations** - Each dwelling unit in this zoning district shall have a minimum of eight hundred (800) square feet of floor area exclusive of unenclosed porches, garages, and basements.

F. Fences

In addition to the general requirements of **§3.21**, the following regulations shall apply to all fences within the F-R District:

1. Fences located in a front yard of a lot shall be no more than four (4) feet in height measured vertically from the surface of the ground to the top of the fence/post combination. For the purposes of fencing, the front yard shall be considered as beginning at the front of the primary structure and measured to the front property line.
2. Fences located in a front yard of a lot shall be constructed of brick, stone, wood boards, split rails, wrought iron, decorative concrete blocks, decorative chains, decorative rope, or similar material. No chain link fences shall be constructed in a front yard.
3. Fences located in a rear or side yard shall be a height of no more than eight (8) feet measured vertically from the surface of the ground to the top of the fence/post combination; provided, however, that fences located in a side yard shall not extend closer to the than the front of the principal building or the required front yard setback, whichever point is farther back from the front lot line.
4. Fences located in a rear or side yard shall be a constructed of brick, stone, wood boards, split rails, wrought iron, decorative concrete blocks, decorative chains, decorative rope, or similar material. Chain link fences are permitted in a rear or side

yard.

Section 5.5 – (RC) Resource Conservation District

A. Purpose

This zoning district is intended to protect land from intense development and to protect environmentally sensitive areas by preserving large tracts of forest lands while allowing very limited and low-intensity development to occur.

B. Permitted Uses

Land and/or buildings in the RC Zoning District shall be used for the following purposes:

1. All uses permitted under Section 5.0 (B).
2. Public and private recreation areas.
3. Public areas for forest preserves, game refuges and similar uses.
4. Campgrounds.
5. Forestry and forest management.

C. Uses by Special Land Use Permit

Special approval use of lands and premises, and the erection and use of buildings and structures shall, after the effective date of this Ordinance, be limited to the following uses and shall be subject to the provisions of **Article 7: Site Plan Review**, **Article 8: Special Land Uses** and the applicable portions of **Article 9: Supplemental Regulations**:

1. Game preserves where hunting is permitted (e.g. a hunt club).
2. Gun club/sportsman club.

D. Height Regulations

No dwelling shall exceed thirty-five (35) feet in height measured from grade level. Height regulations shall apply to any area that could be used as living space (belfries, etc.), but shall not apply to areas that could not be used for living space (chimneys, etc.).

E. Area Regulations

No building or structure shall hereafter be erected, altered or enlarged unless the following setback and lot requirements are provided and maintained in connection with such building, erection, alteration or enlargement.

1. **Front Yard** - There shall be a front yard of not less than forty (40) feet.
2. **Side Yard** – For dwellings, there shall be a side yard shall of not less than ten (10) feet on each side of any dwelling, except on the longest street side of a corner lot where a twenty-five (25) foot side setback shall be provided and maintained. Principal buildings other than dwellings shall have side yards of not less than twenty-five (25) feet.
3. **Rear Yard** - There shall be a rear yard of not less than twenty-five (25) feet.

4. **Lot Area** – With the exception of **§5.5 (C) (1)**, the minimum lot size for the Resource Conservation district is twenty (20) acres in area.
5. **Floor Area Regulations** - Each dwelling unit in this zoning district shall have a minimum of eight hundred (800) square feet of floor area exclusive of unenclosed porches, garages, and basements.

F. Fences

In addition to the general requirements of §3.21, the following regulations shall apply to all fences within the RC District:

1. Fences located in a front yard of a lot shall be a height of no more than four (4) feet, as measured vertically from the surface of the ground to the top of the fence/post combination. For the purposes of fencing, the front yard shall be considered as beginning at the front of the primary structure to the front property line.
2. Fences located in a front yard of a lot shall be constructed of brick, stone, wood boards, split rails, wrought iron, decorative concrete blocks, decorative chains, decorative rope, or similar material. No chain link fences shall be constructed in a front yard.
3. Fences located in a rear or side yard shall be a height of no more than eight (8) feet, as measured vertically from the surface of the ground to the top of the fence/post combination; provided, however, that fences located in a side yard shall not extend closer to the front lot line than the front of the principal building or the required front yard setback, whichever point is farther back from the front lot line.
4. Fences located in a rear or side yard shall be a constructed of brick, stone, wood boards, split rails, wrought iron, decorative concrete blocks, decorative chains, decorative rope, or similar material. Chain link fences are permitted in a rear or side yard.

Section 5.6 – (PUD) Planned Unit Development District

A. Purpose

The Planned Unit Development District allows design and use flexibility on a given site while at the same time protecting present and future residents and public facilities from the adverse effects of unplanned or unregulated development. This approach allows the applicant to utilize innovative designs and methods to control the effects of development rather than having rigid numerical zoning standards dictate design parameters. The burden of establishing that a Planned Unit Development is within the parameters and intent of this Ordinance is completely upon the applicant. The Mikado Township Planning Commission shall determine whether the design contains sufficient safeguards as to make the effects of the development compatible with the intent of this Ordinance. It is the expressed intent of this section to allow such items as setbacks, yards, parking spaces, and type of dwelling unit and use to be regulated on an overall impact or gross development basis rather than individually for each lot, use, or structure. It is the intent of this Ordinance to allow land to be rezoned to the PUD District as needed.

B. Criteria

The criteria set forth below apply to Planned Unit Developments. Procedures set forth in this section shall be followed and the design submitted for Planning Commission review and approval. General provisions contained in Article 3 and site plan approval as set forth in Article 7 of this Ordinance also apply.

1. Size

A Planned Unit Development shall be of sufficient size to contain on the site both physically and aesthetically not only the development proposed but also any effects of such development that would ordinarily be apparent and different from the effects of permitted uses on the adjacent properties.

2. Internal Design Standards

A Planned Unit Development shall be designed so as to provide future users, residents, visitors, and public service personnel with **adequate** light, air, privacy, circulation patterns, park areas, and public services.

3. External Effects

A Planned Unit Development shall be designed so as not to create any significant negative impact upon adjacent properties, residents, or public facilities.

C. Approval Procedures

Each of the following steps in the submittal process is mandatory, and failure to complete any one will result in a suspension of the process until such time as the required information is submitted in accordance with the requirements of this ordinance.

1. Pre-Application Meeting:

The procedure of application and approval of a PUD permit shall include one (1) or more informal conferences between the applicant and Zoning Administrator. The applicant shall inform the Zoning Administrator of the applicant's general intentions at this time. The Zoning Administrator may request or recommend that the applicant request representatives from the relevant Township or County agencies (fire department, county sheriff and other agencies) to attend such informal conferences. After consideration of comments from the pre-application meetings, the applicant shall prepare a preliminary plan.

2. Requirements of Preliminary Plan

Following the pre-application conference, the applicant may file a PUD application with the Zoning Administrator in order to receive a formal Planning Commission review of a Preliminary Planned Unit Development plan for the subject property. The applicant shall submit ten (10) copies of Preliminary Planned Unit Development plan with the PUD application, at least forty-five (45) days prior to the date of the Planning Commission meeting at which a Public Hearing on the Plan is to be scheduled.

The Preliminary Planned Unit Development plan shall provide all the information specified under Article 7.

3. Planned Unit Development Review Procedure

- a. **Public Hearing:** Within **thirty** (30) days of submittal the Planning Commission shall conduct a public hearing on the rezoning and preliminary site plan in accordance with **§10.3** of this Ordinance.
- b. **Approval/Action:** Following the public hearing, the Mikado Township Planning Commission shall **recommend** approval, disapproval or approval subject to specified conditions/revisions to the proposed Planned Unit Development. Such recommendation shall be based on the Review Criteria listed in **Article 7** of this ordinance and **Section 5.6 (B)**.

The application, supporting documentation and the Planning Commission recommendation shall then be forwarded to the Township Board for action in accordance with **Article 7 (Site Plan Review)** and **Article 12 (Rezoning)** of the Zoning Ordinance. **In addition, the application, supporting documentation and the Planning Commission recommendation concerning the rezoning to a PUD District shall be forwarded to the County Planning Commission.** Following review and discussion, the Board shall deny or approve the establishment of the PUD district and the preliminary site plan. Approval may be with or without conditions. If conditions are imposed the Board may require resubmission of the preliminary site plan with the required modifications prior to submittal of the final site plan. Approval shall be based on the Review Criteria listed in **Article 7** and **Section 5.6 (B)**.

Once approved, the preliminary site plan shall be valid for a period of two (2) years. If a final site plan for the entire project or a phased portion thereof is not submitted within the two (2)-year time period the PUD and preliminary site plan shall become null and void and the zoning shall revert to that which existed prior to the establishment of the PUD. The Township Board

may approve one (1) extension of up to two (2) years.

- c. **Final Approval:** Upon approval of the rezoning and preliminary site plan by the Township Board the applicant shall submit a final site plan of the entire PUD or phased portion thereof and filing fee to the Planning Commission for review and approval within the required time frame. The final submittal shall be prepared incorporating any changes specified as part of the preliminary approval. The Planning Commission shall conduct a public hearing in accordance with **§10.3** of this Ordinance. Following the public hearing the Commission shall take action on the plan. If approved with conditions the approval shall indicate whether review and approval of any required modifications shall be made by the Planning Commission or by the Zoning Administrator. Approval shall be based on the Review Criteria listed in Article 7 and **Section 5.6 (B)** and a finding that the final site plan is consistent with the preliminary site plan approved by the Township Board, including any conditions or required modifications. An approved final site plan shall be valid for three (3) years, during which time all permits necessary for the construction of the approved development shall be obtained. Failure to do so shall require the re-submittal of the previously approved final site plan to the Planning Commission for review and re-approval prior to the issuance of a Building Permit. The Planning Commission may reject or require modifications to the plan if in its opinion conditions on or off-site have changed in such a manner as to necessitate the rejection or modification.
- d. **Performance Bonds:** To ensure compliance with the approved final plan, the Township may require **a performance bond as per Section 10.7.**

4. Modification of a PUD

Minor changes to an approved PUD site plan may be approved administratively by the Zoning Administrator provided the changes comply with all applicable requirements of this Zoning Ordinance and all other Township regulations or state law. Minor changes subject to administrative review are addressed in **§7.2 (H)**.

A major change to an approved PUD shall comply with the filing procedures for a PUD as contained herein. Major changes include but are not limited to increase in density or number of dwelling units, increase in land area or building size, or addition of other uses not authorized by the original PUD approval. The Zoning Administrator shall determine if other similar changes constitute a major amendment.

Section 5.7 – Schedule of Regulations

Zoning District	District Name	Minimum Lot Area		Maximum Height of Structure	Minimum Setbacks			Minimum Floor Area	Section Index
		Area	Width	Feet	Front	Side	Rear		
R-1	Single Family Residential	15,000 ft ²	100'	35'	40'	10' (a) (b)	10' (b)	800 ft ²	5.0
R-2	Multiple-Family Residential (c)	15,000 ft ²	100'	35'	40' (d)	20' (b) (e)	20' (b) (e)	600 ft ²	5.1
A-R	Agricultural Residential	5 acres	na	35'	40'	10' (a) (g)	25'	800 ft ²	5.2
C	Commercial	na	na	35'	20' (f)	10'	10'	na	5.3
F-R	Forest Recreation	5 acres	na	35'	40'	10' (a) (g)	25'	800 ft ²	5.4
RC	Resource Conservation	20 acres	na	35'	40'	10' (a) (g)	25'	800 ft ²	5.5
PUD	Planned Unit Development	Regulated based on the proposed development							5.6

Schedule of Regulation Footnotes:

- (a) Except the street side of a corner lot where a twenty-five (25) foot setback shall be maintained.
- (b) Principal buildings other than dwellings which exceed twenty-five (25) feet in height shall have additional side yard and rear yard requirements of one (1) foot per foot in excess of such height.
- (c) Single-family use in the R-2 District shall require the standards set forth in Section 5.0.
- (d) If the front yard is used for parking, then the setback shall be sixty-five (65) feet (see Section 5.1.E.1)
- (e) When abutting single-family residential it shall be thirty (30) feet minimum.
- (f) Or even with existing buildings
- (g) Principal buildings other than dwellings shall have a side yard of not less than twenty-five (25) feet.

**ARTICLE 6:
NONCONFORMING BUILDINGS, STRUCTURES, USES, LOTS, AND SIGNS**

The lawful uses of land, buildings and structures in effect at the date of adoption of the Ordinance may be continued. Such uses shall be designated as “nonconforming” uses and shall be governed by the provision of this Article. It is the intention of this Ordinance that all nonconforming uses will either be eliminated or changed to conforming uses over a period of time. The Ordinance and actions by the Planning Commission are intended to encourage the elimination of nonconforming uses, and to discourage anything that extends the normal useful life of a nonconforming use. If a structure or use is nonconforming because of height, floor area, parking or loading space provisions of this Ordinance, it may be extended, enlarged, altered, remodeled or modernized to comply with these provisions. Once in compliance, no structure or use shall again become nonconforming in these categories.

Section 6.0 - Nonconforming Buildings and Structures

A. Maintenance of Nonconforming Buildings and Structures

Nothing in this Ordinance shall prevent such necessary repairs and incidental alterations of a nonconforming building existing on the effective date of this Ordinance as may be necessary to secure a reasonable advantageous use thereof during its natural life.

Nothing in this Ordinance shall prevent the strengthening or restoring to a safe condition any part of any building or structure declared unsafe by the Building Official.

B. Completion of Nonconforming Buildings and Structures

Nothing in this Ordinance shall require any change in the construction or intended use of a building or structure if the construction of such building or structure has been substantially under way on the effective date of this Ordinance.

C. Damaged or Total Destruction of Nonconforming Building or Structure

Any building or structure, whether it be nonconforming because of the building itself or the lot on which it is located, may be reconstructed to its original configuration in the event it is destroyed or partially destroyed by explosive, fire or other acts of God.

D. Alterations of a Nonconforming Building or Structure

Except for provisions of §6.0(C), a nonconforming building may not be reconstructed or remodeled during its life to an extent in aggregate cost of twenty-five (25%) percent of the value as determined by a qualified appraiser unless said building is changed to a conforming building. No such alterations shall increase the available floor area of the nonconforming building unless said building is changed to a conforming building or unless such alteration brings the building into closer

conformance with the floor area regulations as contained in this Ordinance.

Nothing in this Ordinance shall prevent the modification of a building without limit when doing so required so as to comply with barrier free requirements and the American Disabilities Act.

Section 6.1 – Nonconforming Uses

The lawful use of any premises existing at the time of the adoption of this Ordinance may be continued, although such use does not conform to provisions of this Ordinance.

A. Abandonment of a Nonconforming Use

If a property owner has the intent to abandon a nonconforming use or structure and in fact abandons a nonconforming use or structure for a period of one (1) year or more, then any subsequent use of the property or structure shall conform to the requirements of this Ordinance. When determining the intent of the property owner to abandon a nonconforming use or structure, 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 nonconforming use have been removed.
4. Whether equipment or fixtures necessary for the operation of the nonconforming use have been removed.
5. Other information or actions that evidence an intention on the part of the property owner to abandon the nonconforming use or structure.

B. Change of Nonconforming Use

No nonconforming use shall be changed to other than a conforming use, nor shall any use be reverted to a former non-conforming use after said use has been changed to a conforming use.

Section 6.2 - Nonconforming Lots of Record

Except as provided in §6.3, any nonconforming lot of record may be used for any purpose authorized by the district in which it is located. Any required variances may be requested pursuant to the procedures and standards of this Ordinance.

Section 6.3 – Nonconforming Contiguous Parcels

If two (2) or more contiguous lots, parcels, or portions of lots or parcels are under the

same ownership and do not individually meet the lot width, depth, and/or area requirements of this Ordinance, then those contiguous lots, parcels, or portions of lots or parcels shall be considered an undivided lot or parcel for the purposes of this Ordinance, and no portion of such undivided lot or parcel shall be used or divided in a manner that diminishes compliance with the lot width, depth, and/or area requirements established by this Ordinance.

Section 6.4 – Nonconforming Signs

- A. Subject to the remaining restrictions of this section, nonconforming signs that were otherwise lawful on the effective date of this Zoning Ordinance may be continued.
- B. 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.
- C. A nonconforming sign may not be moved or replaced except to bring the sign into complete conformity with this Zoning Ordinance or as allowed in §6.4 (D).
- D. 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 cleared from the land. 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.
- E. Subject to the other provisions of this section, nonconforming signs may be repaired, maintained, serviced or repainted so long as the cost of such work does not exceed, within any twelve (12)-month period, fifty percent (50%) of the value of such sign.
- F. If a nonconforming sign, other than an off-premise sign, advertises a business, service, commodity, accommodation, attraction, or other enterprise or activity that is no longer operating or being offered or conducted, that sign shall be deemed abandoned and shall be removed by the owner of the sign, the owner of the property where the sign is located, or the party having control over such sign within thirty (30) days after such abandonment
- G. 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:
 - 1. It advertises a business, service, commodity, accommodation, attraction, or other

- enterprise or activity that is no longer operating or being offered or conducted;
2. The advertising message it displays becomes illegible in whole or substantial part; or
 3. 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.

ARTICLE 7: SITE PLAN REVIEW

Section 7.0 – Purpose

The purpose of this article is to specify the documents and/or drawings required for site plan review so as 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 property designed, safe, efficient, environmentally sound, and designed in such manner as to protect adjacent properties from substantial adverse impacts.

Section 7.1 – Plot Plan

All applications for Zoning Permits which do not require a site plan shall be accompanied by plans and specifications including a Plot Plan, drawn to scale, showing the following:

- A. The shape, location and dimensions of the lot, drawn to scale. The scale shall be of such size as deemed adequate by the Zoning Administrator to make a judgment that the application meets the requirements of this ordinance. When deemed necessary by the Zoning Administrator, a survey may be required.
- B. The location, shape and size of all buildings or other structures to be erected, altered or moved onto the lot and of any building or other structure already on the lot, drawn to scale. In addition, an elevation drawing of the proposed building(s) may be required by the Zoning Administrator in order to measure the height of the proposed structures.
- C. The location and configuration of the lot access and driveway, drawn to scale.
- D. Location of existing or proposed septic system and water well.
- E. 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.
- F. Other information concerning the lot or adjoining lots that may be essential for determining whether the provisions of this Ordinance are being observed.

Section 7.2 – Site Plan Review (All Districts)

Required site plans give the Planning Commission an opportunity to review development proposals in a concise and consistent manner. The use of the site plan ensures that the physical changes in the property meet with local approval and that development actually occurs as it was planned and represented by the developer.

- A. **Circumstances Requiring a Site Plan:** Site plans are required for the following uses:
1. All new uses and/or structures except a) single-family or multiple-family residential units; and b) accessory structures to single-family or multiple-family residential units.
 2. Expansion or renovation of an existing use, other than single-family or multiple-family residential use, which increases the existing floor space more than twenty-five (25%) percent.
 3. Changes of use for an existing structure or lot.
 4. Any special land use.
 5. Any use requiring **5 or more** off-street parking **spaces**, as stated in the off-street parking schedule of this ordinance.
 6. Establishment of a plat, a condominium subdivision, or other form of real estate development on greater than ten (10) acres of land on any parcel of land, provided the plat, the condominium subdivision plan or other real estate development establishes either (a) more than two (2) residential units or (b) any other use requiring a site plan under this Ordinance.
 7. Other uses as required by this Ordinance.

8. Planned Unit Development

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

Except for **§5.6**, this conference is not mandatory, but is recommended of small and large projects alike. For large projects, a pre-application conference should 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.

- C. **Site Plan Data Required:** Each site plan submitted shall contain the following information unless specifically waived, in whole or in part, by the Township Planning Commission. The **Zoning Administrator or** Planning Commission can waive any or all of the below site plan requirements, when it finds those requirements are not applicable to the proposed development.

1. The name and address of the property owner.
2. The date, a north arrow, the scale and name of the individual or firm responsible for preparing said plan. The scale must be at least one (1) inch = fifty (50) feet for parcels

under three (3) acres and not less than one (1) inch = one hundred (100) feet for parcels of three (3) acres or more.

3. A certified survey of the property prepared and sealed by a professional licensed surveyor, showing, at a minimum, the boundary lines of the property, all dimensions and legal description.
4. The location of all existing structures and all proposed uses or structures on the site, including proposed drives, walkways, signs, exterior lighting, adequate parking for the proposed uses (show the dimensions of a typical parking stall and parking lot), loading and unloading areas, if necessary, common use areas and recreational areas and facilities. An elevation drawing of the proposed building(s) is required in order to review the proposed building bulk and to verify height.
5. The location and width of all abutting rights-of-way, easements and utility lines within or bordering the subject project.
6. The location of existing environmental features, such as watercourses, wetlands, shorelines, man-made drains, mature specimen trees, wooded areas or any other unusual environmental features.
7. The location and identification of all existing structures, lighting, signs, ingress drives, roads, and parking within a two hundred (200) foot radius of the site, including road names.
8. The existing zoning district in which the site is located and the zoning of adjacent parcels.
9. The location of all existing and proposed landscaping as well as all existing and proposed fences or walls.
10. The location, size and slope of all surface and subsurface drainage facilities.
11. Summary tables, cross-sections and/or floor plans should be included with site plans for proposed structures, giving the following information:
 - a. The number of units proposed, by type, including a typical floor plan for each unit.
 - b. The area of the proposed units in square feet, as well as area dimensions of driveways and staging areas.
 - c. Typical elevation drawings of the front and rear of each building.
12. The topography of the existing and finished site shall be shown by contours or spot elevations. Where the existing slope on any part of the site is ten percent (10%) or greater, contours shall be shown at height intervals of two (2) feet or less.
13. Generalized soil analysis data, which may include data prepared by the Alcona County Soil Conservation District regarding the soils and their adaptability to the use. More detailed information may be required where the Planning Commission determines that the site and use warrant a more critical review of soils.

14. All site plans shall comply with the terms of the Alcona County Soil Erosion and Sedimentation Control Ordinance and Stormwater Ordinance. It shall be the applicant's responsibility to provide documentation of compliance with these County Ordinances.
15. Anticipated hours of operation for the proposed use. The Planning Commission may impose reasonable limits to hours of operation as a condition of site plan approval when warranted to assure compatibility with surrounding land uses.
16. Impact Statement. The statement shall address itself to the following as applicable to the type of use:
 - a. A complete description of the proposed development including: areas of the site; the number of lots or units; and the number and characteristics of the population impact such as density, as it relates to elderly persons, school children, tourists, family size, income, and related information as applicable.
 - b. Expected demands on community services, and how these services are to be provided, to specifically include: school classroom needs, volume of water consumption related to ground water reserves, change in traffic volume on adjacent streets and other factors that may apply to the particular development.
 - c. Statements relative to the impact of the proposed development on soil erosion, shoreline protection, wildlife habitat, air pollution, water pollution (ground and surface), noise and the scale of development in terms of the surrounding environment.

D. Application Submittal Procedures:

1. Ten (10) copies of the proposed site plan, including all required additional or related information, shall be presented to the Zoning Administrator's office by the petitioner or property owner or his designated agent at least thirty (30) days prior to the Planning Commission meeting at which the site plan will be considered. 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, the Zoning Administrator shall cause the submittal to be placed on the agenda of the next regular Planning Commission meeting.
2. The Planning Commission may distribute the site plan to the following agencies or any other agency deemed appropriate for comment prior to consideration for approval.
 - a. The Alcona County Soil Erosion and Sedimentation Control Officer;
 - b. The Alcona County Drain Commissioner;
 - c. The Alcona County Road Commission and, if appropriate, the Michigan Department of Transportation;

- d. District Health Department;
 - e. Local fire and ambulance service providers.
3. Application fees to cover the estimated review costs as determined pursuant to **§10.6** of this Ordinance shall be paid when the application and site plan are submitted.
 4. 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.
 5. The applicant or his/her representative shall be present at the scheduled review . If the applicant fails to provide representation, resubmittal of the application is required.

E. Standards for Granting Site Plan Approval:

1. The Planning Commission shall approve, or approve with conditions, an application for a site plan only upon a finding that the proposed site plan complies with all applicable provisions of this Ordinance and the standards listed 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. The Planning Commission's decision shall be in writing and shall include findings of fact, based on evidence presented on each standard.
 - a. All elements of the site plan shall be designed so that there is a limited amount of change in the overall natural contours of the site and shall minimize reshaping in favor of elements that respect existing features of the site in relation to topography, the size and type of the lot, the character of adjoining property and the type and size of buildings. The site shall be developed so as not to impede the normal and orderly development or improvement of surrounding property for uses permitted in this Ordinance.
 - b. 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.
 - c. On site drainage shall be required.
 - d. 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.
 - e. All buildings or groups of buildings shall be so arranged as to permit emergency vehicle access by some practical means to all sides.

- f. Every structure or dwelling unit shall have access to a public street, private road, walkway or other area dedicated to common use.
 - g. There shall be provided a pedestrian circulation system, which is insulated as completely as reasonably possible from the vehicular circulation system.
 - h. 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.
 - i. Exterior lighting shall be arranged as required by **§3.31 Outdoor Lighting**.
 - j. The arrangement of public or common ways for vehicular and pedestrian circulation shall respect the pattern of existing or planned streets and pedestrian or bicycle pathways in the area. Streets and drives which are part of an existing or planned street pattern which serves adjacent development shall be of a width appropriate to the traffic volume they will carry. Where possible, shared commercial access drives shall be encouraged.
 - k. All streets, whether public or private shall be developed in accordance with the Alcona County Road Commission specifications.
 - l. Site plans shall conform to all applicable requirements of state and federal statutes and the Mikado Township Master Plan, and approval may be conditioned on the applicant receiving necessary state and federal permits before the actual zoning permit authorizing the special land use is granted.
2. The Planning Commission shall seek the recommendations of the Fire Chief, the Alcona County Road Commission, the County Health Department, and the Michigan Department of Natural Resources, where applicable.
- F. Approval of Site Plan:** If approved by the Planning Commission, three (3) 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; one (1) shall be retained by the Zoning Administrator as part of the Township's permanent zoning file, and one (1) copy shall be made part of the Planning Commission's permanent record of proceedings on the site plan.
- G. Conformity to Approved Site Plan Required.** Following approval of a site plan by the Planning Commission, the applicant shall construct the site plan improvements in complete conformity with the approved site plan. Failure to do so shall be deemed a violation of this Ordinance.
- H. Amendment of Approved Site Plan:**
Amendment of an approved site plan shall be permitted only under the following circumstances:

1. The owner of property for which a site plan has been approved shall notify the Zoning Administrator of any desired change to the approved site plan. Minor changes may be approved by the Zoning Administrator upon determining that the proposed revision(s) will not alter the basic design and character of the site plan, nor any specified conditions imposed as part of the original approval. Minor changes shall include the following:
 - a. Reduction of the size of any building and/or sign.
 - b. Movement of buildings and/or signs by no more than ten (10) feet.
 - c. Landscaping approved in the site plan that is replaced by similar landscaping to an equal or greater extent.
 - d. Changes in floor plans that do not exceed five percent (5%) of the total floor area and which do not alter the character of the use or increase the amount of required parking.
 - e. Internal re-arrangement of a parking lot which does not affect the number of parking spaces or alter access locations or design.
 - f. Changes related to item a) through e) above, required or requested by Mikado Township, Alcona County, or other state or federal regulatory agencies in order to conform with other laws or regulations; provided the extent of such changes does not alter the basic design and character of the site plan, nor any specified conditions imposed as part of the original approval.
 - g. All amendments to a site plan approved by the Zoning Administrator shall be in writing. After approval by the Zoning Administrator, the applicant shall prepare a revised site plan showing the approved amendment. The revised site plan shall contain a list of all approved amendments and a place for the zoning administrator to sign and date all approved amendments.
2. An amendment to an approved site plan that cannot be processed by the Zoning Administrator under subsection H.1 above shall be processed in the same manner as the original site plan application.

I. Expiration of Site Plan:

1. The site plan shall expire unless construction of an approved site plan improvement has begun within three hundred sixty-five (365) days of approval. Thirty (30) days prior to expiration of an approved final site plan, an applicant may make application to the Planning Commission for a one (1) year extension of the site plan at no fee. 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 site plan approval have not changed since the approval.
2. Any subsequent re-submittal shall be processed as a new request with new fees.

J. Conditional Approvals: The Planning Commission may impose reasonable conditions with the approval of a final site plan, pursuant to **§10.2** of this Ordinance.

- K. **Performance Guarantee Required:** The Planning Commission may require an applicant to provide a performance guarantee in connection with the approval of a final site plan, pursuant to §10.7 of this Ordinance.
- L. **As-Built Site Plan:** Upon completion of the installation of required improvements as shown on the approved final site plan, the property owner shall submit to the Zoning Administrator two (2) copies of an "as built" site plan, certified by the engineer or surveyor, at least one (1) week prior to the anticipated occupancy of any building. The Zoning Administrator shall circulate the as built plans among the appropriate persons for review to insure conformity with the approved final site plan and other Mikado Township requirements. Once those persons have approved the as built plans the Zoning Administrator may make the final inspection.

Section 7.3 - Site Plan Waiver

The Zoning Administrator may waive site plan review requirements and, in the case of a use that would normally require Planning Commission approval, the stated review and approval procedures by the Planning Commission in any of the following cases where he or she determines that the submission of a site plan and adherence to the stated review and approval procedures by the Planning Commission would serve no useful purpose:

- A. Accessory Structures;
- B. A change in principal use where such change would not result in an increase in impervious surface, additional off-street parking, access or other external site characteristics, or create a violation of this Ordinance.

ARTICLE 8: SPECIAL LAND USES

Section 8.0 – General Requirements

Uses requiring special approval shall be subject to the general provisions and supplemental site development standards of this Ordinance as well as to the provisions of the zoning district where it is located. Each use shall be considered on an individual basis.

Section 8.1 – Special Land Use Procedures

A. Applications:

An application for a special land use shall be submitted through the office of the Zoning Administrator to the Planning Commission on a special form provided for that purpose, and shall include items listed below in **§8.1** A.1 through A.5. 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, 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 **§10.3**.

1. Site plan prepared under the requirements of **Article 7**.
2. Name and address of applicant and owner of the premises.
3. Description of proposed use, including parking facilities, if required, and any exceptional traffic situation the use may occasion.
4. A statement prepared by the applicant appraising the effect on the neighborhood.
5. The application shall be accompanied by the fee established by the Township Board of Trustees.

B. Special Land Use Standards:

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

1. **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.
2. **Compatibility with Adjacent Uses:** The proposed Special Land Use shall be designed, constructed, operated and maintained to be compatible and appropriate in appearance with existing or planned uses and the intended character of the area and the surrounding land. In determining whether a Special Land Use will be compatible and not create a significant detrimental impact, as compared to the impacts of permitted uses, consideration shall be given to the degree of impact the Special Land Use may have on adjacent property, as

compared with the expected value to the community. The following types of impacts shall be considered:

- a. Use activities, processes, materials, equipment, or conditions of operation;
- b. Vehicular circulation and parking areas;
- c. Outdoor activity, storage and work areas;
- d. Hours of operation;
- e. Production of traffic, noise, vibration, smoke, fumes, odors, dust, glare, and light;
- f. Impacts on adjacent property values; and
- g. The relative ease by which the impacts above will be mitigated.

3. Public Services:

- a. The proposed special land use will not place demands on fire, police, or other public resources in excess of current capacity.
- b. The proposed special land uses will be adequately served by public or private streets, water and sewer facilities, and refuse collection and disposal services.

4. Economic Well-Being of the Community: The proposed special land use shall not be detrimental to the economic well-being of the surrounding residents, businesses, landowners, and the community as a whole.

5. 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.

6. Impact of Traffic on Street 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. The proposed Special Land Use shall not cause traffic congestion, conflict or movement in greater proportion to that normally prevailing for the use in the particular zoning district.

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

8. Compliance with Supplemental Site Development Standards: The proposed special land use complies with all applicable supplemental site development standards as contained in **Article 9** of this Ordinance.

C. Decision:

The decision on a Special Land Use shall be incorporated into a statement of findings and conclusions relative to the Special Land Use which specifies the basis for the decision and

any condition(s) imposed.

D. Amendment of Approved Special Land Use:

Amendment of an approved special land use shall be permitted only under the following circumstances:

1. The owner of property for which a special land use has been approved shall notify the Zoning Administrator of any desired change to the approved special land use. Minor changes may be approved by the Zoning Administrator upon determining that the proposed revision(s) will not alter the basic design and character of the special land use, nor violate any of the specified conditions imposed as part of the original approval. Minor changes shall include the following:
 - a. Reduction of the size of any building and/or sign.
 - b. Movement of buildings and/or signs by no more than ten (10) feet.
 - c. Landscaping approved in the special land use that is replaced by similar landscaping to an equal or greater extent.
 - d. Changes in floor plans that do not exceed five (5%) percent of the total floor area and which do not alter the character of the use or increase the amount of required parking.
 - e. Internal re-arrangement of a parking lot which does not affect the number of parking spaces or alter access locations or design.
 - f. Changes related to item 1) through 5) above, required or requested by Mikado Township, Alcona County, or other state or federal regulatory agencies in order to conform with other laws or regulations; provided the extent of such changes does not alter the basic design and character of the special land use, nor violate any of the specified conditions imposed as part of the original approval.
 - g. All amendments to a special land use approved by the Zoning Administrator shall be in writing. After approval by the Zoning Administrator, the Applicant shall prepare a revised site plan showing the approved amendment. The revised site plan shall contain a list of all approved amendments and a place for the zoning administrator to sign and date all approved amendments.
2. An amendment to an approved special land use that cannot be processed by the zoning administrator under subsection (1) above shall be processed in the same manner as an original special land use application.

E. 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.

- F. All applicable federal, state and local licensing regulations shall be complied with. Initial and annual proof of such compliance shall be a condition of special land use approval and the continuance thereof.
- G. As a minimum, or unless specifically modified by the provisions of **Article 9**, the dimensional standards and landscape, buffering and parking regulations otherwise applicable to the use and/or zoning district shall be maintained as outlined within the other various applicable articles of this Ordinance. For uses permitted by right in one (1) district, the standards relating to the district in which the use is permitted by right shall serve as the minimum standards to which the site shall be designed. In such cases where there are conflicting standards, the most restrictive shall apply, unless specifically modified by the provisions of **Article 9** or the approving body.
- H. Upon review, the Planning Commission may stipulate such additional conditions and safeguards deemed necessary as referred to in **§10.2**.

ARTICLE 9: SUPPLEMENTAL REGULATIONS

Section 9.0 Supplemental Regulations

Those special approvals enumerated in any zoning district, and if included below, shall be subject to the requirements of this Article, in addition to those of the zoning district in which the use is located, along with provisions located elsewhere in this Ordinance.

A. Bed and Breakfast Facilities/Tourist Homes/Boarding Houses:

While this subsection is established to enable single-family dwelling units to be used as bed and breakfast facilities, 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 is a subordinate use to a single-family dwelling unit subject to the following conditions:

1. The operator shall live on the premises when the operation is active.
2. A Special Land Use approval is required prior to commencing use. The Special Land Use approval shall allow annual inspection by the Zoning Administrator at a convenient time.
3. Bed and breakfast facilities will operate in compliance with all local, state and federal requirements.
4. The number of rooms available for guests shall be limited to five (5). Each guest room shall be equipped with a separate functioning smoke detector alarm. A fire extinguisher in proper working order shall be installed and maintained on every floor. Guests shall have access to lavatory and bathing facilities.
5. The maximum length of stay for guests shall be fourteen (14) consecutive days.
6. Two (2) off-street paved or graded gravel parking spaces shall be provided for the operator of the facility, plus one (1) parking space for each available guest room and one (1) for any non-resident employed.
7. Rental of snowmobiles, ATV's, or similar vehicles, boats, and other marine equipment in conjunction with the operation of the establishment shall be prohibited.
8. The dwelling unit has no exterior evidence, other than a sign meeting the requirements of **§3.32**, to indicate that the dwelling is being utilized for any purpose other than as a residence.
9. Breakfast may be served only to overnight guests in accordance with state public health regulations regarding bed and breakfast facilities.
10. Any number of dwelling residents may assist with the bed and breakfast operation, but not more than one (1) non-resident full-time equivalent employee may be hired. The bed and breakfast operation shall produce no excessive noise, traffic, glare or other nuisance that would be detrimental to the character of the neighborhood.

B. Group Day Care Homes/Child Care Center

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

1. Is not located closer than fifteen hundred 1,500 feet to any of the following:
 - a. Another licensed group day care home.
 - b. An adult foster care home or large group home licensed under the adult foster care facility licensing act, 1979 PA 218.
 - c. A facility offering substance abuse treatment and rehabilitation service or seven (7) or more people licensed under Article 6 of the public health code, 1978 PA 368.
 - d. A community correction center, resident home, halfway house, or other similar facility which houses an inmate population under the jurisdiction of the Department of Corrections.
2. Has at least four hundred (400) square feet of fenced outdoor space.
3. Maintains the property consistent with the visible characteristics of the neighborhood.
4. Does not exceed sixteen (16) hours of operation during a twenty-four (24)-hour period.

C. Businesses with Drive-Through Services, including Restaurants:

These standards are designed to provide adequate vehicle stacking space on business properties that offer drive-in or drive-through services in order to avoid congestion on adjacent streets and to require site designs that address on-site circulation patterns, recognizing potential pedestrian conflicts with vehicles entering/exiting the property, vehicles using parking lots and vehicles using drive-through service lanes.

Businesses which provide a drive-in or drive-through service (but not Gasoline Service Stations) may be permitted, as regulated in their respective Zoning Districts, subject to the review of the Planning Commission and the following conditions:

1. Vehicular access drives shall be located at least sixty (60) feet from the nearest right-of-way line of all intersecting streets.
2. Drive-through / drive-in service windows and order areas shall only be located in the side or rear yard of the property.
3. Site design shall show compatibility between pedestrians and parking areas, stacking lanes, access lanes to parking spaces, and drive-through lanes.

4. Service windows, order kiosks, and/or service pedestals shall not be located along that side of the building which borders a Residential, Agricultural-Residential, Forest Recreation, or Resource Conservation District boundary, in order to protect residential areas from the nuisances of sound systems, running engines, and exhaust pollution.
5. If deemed appropriate by the Planning Commission to achieve compatibility with adjacent uses, planted greenbelts, berms, and/or fencing may be required on the sides abutting or adjacent to a residential district or use.
6. Stacking spaces shall be provided for drive-through operations subject to the standards listed in the parking requirements in **§3.23**.

D. Campgrounds:

1. A minimum lot size shall be five (5) acres, and not less than six hundred (600) feet width.
2. The lot shall provide direct vehicular access to a public road. The term "lot" shall mean the entire campground or travel trailer park.
3. Each campground shall be provided with at least one (1) public phone.
4. All sanitary stations, privies, or any sanitary facilities shall be located at least one hundred (100) feet from property lines.
5. The campground perimeter shall be completely screened by natural terrain, a neatly finished and well-maintained wooden fence or masonry wall, or by well-maintained live evergreens.
6. Campsites shall be located at least fifty (50) feet from property lines.
7. All campgrounds and trailer courts shall comply with State of Michigan and District Health Department requirements.
8. No person shall occupy any campsite for more than six (6) weeks in any one (1) year.

E. Automobile Car Wash Facilities:

1. Layout: All washing activities shall be carried on within an enclosed building. Vacuuming activities shall be permitted in the rear yard only, provided such activities are located at least fifty (50) feet from adjacent residentially zoned or used property. Entrances and exits shall not face abutting residentially zoned or used property.
2. Entrances and Exits: Sufficient space shall be provided on the lot so that vehicles do not enter or exit the wash building directly from an adjacent street or alley. All maneuvering areas, stacking lanes, and exit aprons shall be located on the car wash parcel itself. Streets and alleys shall not be used for maneuvering or parking by vehicles to be serviced by the automobile wash.

F. Cemeteries:

1. Location: No portion of any cemetery that is located in a wetland shall be developed or platted for gravesites.
2. Accessory Buildings: A crematorium, mausoleum, columbarium, or other accessory building may be permitted within a cemetery provided that any such building shall be designed and located in accordance with a cemetery plan, and in compliance with appropriate district setbacks.
3. Setbacks: No building or structures containing bodies or remains, other than subterranean graves, shall be located closer than fifty (50) feet to the boundary line of any residential or commercial district.

G. Commercial Uses With Outdoor Storage:

Outside storage of equipment or materials in the Commercial District shall be located in the rear or side yards, screened from view, and vehicular access to such storage shall be maintained.

H. Commercial Outdoor Recreational Facilities:

Commercially used outdoor recreational space for children's amusement parks, carnivals, rebound tumbling facilities, miniature golf, driving ranges, shall be subject to the following requirements:

1. Children's amusement facilities must be fenced on all sides with a minimum four (4) foot and six (6) inch high protective wall or fence.
2. All manufacturers' specifications for safety are complied with as well as any additional safety measures that may be prescribed by the Planning Commission.
3. When discontinued or abandoned, the site shall be left in a reusable condition, free of hazards related to dangerous structures, and from pits, pools, excavations, electric circuits and similar features.

I. Lumber Yards:

Facilities dealing primarily in the selling/distributing of lumber for wholesale or retail markets shall meet the following standards:

1. The site is of a configuration as to be compatible with adjoining uses, having at least two hundred (200) feet of frontage on a public road, or part of a planned development having two hundred (200) feet of frontage.
2. Accessory outdoor storage shall be effectively obscured from public view by fences, greenbelts, structures, and/or other devices as approved by the Planning Commission.
3. Storage uses, buildings, parking lots, and sidewalks, shall provide a minimum setback of ten (10) feet from one side yard and forty (40) feet from the side property line to afford transition space for storm water, snow storage, and/or landscaped buffers.

J. Sawmills and other Mills:

Sawmills, planing mills, veneer mills and accessory or incidental mill operations involving logs, "unprocessed timber" and/or rough sawn lumber, are permitted provided:

1. Structures housing mechanical wood cutting devices (head saws, cut-off saws, planers, lathers, etc.), shall not be located closer to an off-premises residence than five hundred (500) feet.
2. Log storage and sawn timber or lumber shall not be located nearer than five hundred (500) feet from an off-premises residence.
3. The location of a proposed mill is determined by the Planning Commission to be compatible with other uses in the general vicinity taking into account traffic flow, noise, scenic values, and residential environments where applicable.
4. Nothing in this Ordinance shall be interpreted to exclude temporary and itinerant sawmill operations on property where the timber harvesting involves only those resources found on the same property. No permit shall be required where the operation involves a period of less than six (6) months on the same property or zoning lot.

K. Automobile Repair Garage/Automobile Service Station:

1. An automobile service station building, repair garage or main building for a **gasoline** station shall be located not less than forty (40) feet from the road right-of-way or less than twenty-five (25) feet from the side or rear lot line of any adjoining residential property or less than twenty-five (25) feet from the side or rear lot line of adjoining commercial or industrial property.
2. No ingress or egress to an automobile service station, public garage or **gasoline** station, shall be closer than twenty-five (25) feet from any intersection or residential property line abutting the property on which such facility is located.
3. 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 are provided easy egress and ingress to and from the adjoining road, and so that no portion of the vehicle while it is stopped for service, shall overhang onto a sidewalk, curb, road or public right-of-way.
4. When adjoining residential property, a masonry wall at least five (5) 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.
5. All outside storage areas for trash, used tires, auto parts and similar items shall be enclosed by a masonry wall at least five (5) feet in height. Outside storage or parking of disabled, wrecked or partially dismantled vehicles shall be allowed for a period not to exceed fifteen (15) days.

6. All exterior lighting shall comply with §3.31 of this Ordinance.
7. On a corner lot, both road frontage sides shall conform to all applicable front yard regulations of this ordinance.
8. Parking and stacking spaces shall be provided subject to §3.23.

L. Junk and Salvage Material Storage:

Junk storage and salvage materials shall be located within a completely enclosed building. Any open storage yards or areas shall be entirely enclosed by an obscuring eight (8) foot wall, fence or greenbelt, and no salvage yard facilities shall be nearer to the exterior boundary of the A-R District than one-hundred (100) feet.

M. Kennels or Veterinary Clinic/Hospital:

1. All kennels shall be operated in conformance with County and State regulations and shall be on sites of at least five (5) acres. Veterinary clinics or hospitals shall be located on sites of at least one (1) acre in size.
2. 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 or nearer than fifty (50) feet from the property line, which ever is greater.
3. Outdoor animal enclosures shall be screened from adjacent properties and/or roads with an opaque fence or a vegetated evergreen buffer at least five (5) feet in height.
4. The facility shall be so constructed and maintained that odor, dust, noise or drainage shall not constitute a nuisance or hazard to adjoining premises.
5. Animals shall be kept in a soundproof building between the hours of 10 p.m. and 8 a.m.
6. All principal use activities shall occur within an enclosed main building.

N. Manufactured Housing Developments:

Manufactured home developments shall be subject to the following conditions:

1. Manufactured home developments shall be developed and licensed pursuant to the requirements of the Michigan Manufactured Housing Commission, Public Act 96 of 1987 and any rules promulgated pursuant to this Act, as amended. This includes but is not necessarily limited to compliance with Michigan Manufactured Housing Commission regulations concerning internal roads, parking requirements, fencing, screening, unit spacing and recreational and open spaces.
2. To the extent permitted by the Michigan Manufactured Housing Commission, this Ordinance shall require all manufactured homes in manufactured housing

developments to be anchored to the ground in accordance with the standards and specifications of the manufacturer and any applicable state and federal statutes and rules.

3. The underside or chassis of all manufactured homes in manufactured housing developments to be fully skirted or enclosed with durable, weather-resistant materials, as specified by the manufacturer or as specifically manufactured for use as home skirting, and all such skirting shall be maintained in place as designed.

O. Outdoor Sales Facilities:

Outdoor sales lots for automobile, trucks, motorcycles, all terrain vehicles, boats and marine craft, recreation vehicles, trailers, mobile homes, farm implements, contractors equipment/vehicles, and similar units, for new and/or used units, are subject to the following:

1. No display shall be permitted in the right-of-way of any abutting road or highway.
2. Existing roadside trees and shrubs shall be retained in a healthy growing condition to an extent determined by the Planning Commission to offer aesthetic value, contribute to shade, while offering reasonable visual access to the display lot.
3. The use of racks, berms, platforms, or similar devices intended for the elevated display of units regulated herein shall be limited to not more than two, or one (1) per one hundred fifty (150) feet of display lot road frontage, whichever is greater and are subject to Planning Commission approval. No such display device shall elevate the underframe of a vehicle more than five (5) feet above the ground.
4. Display lot lighting shall comply with terms of **§3.31**, which shall apply whether or not the lighting is projected from buildings, private poles, or from utility company poles, i.e. as yard lights.
5. The display of units regulated herein shall only be in areas indicated or designated on the site plan, and areas shall be differentiated as to the display of new, used and/or inoperable units.
6. The parking area shall be provided in the side or rear yard of the site so as to prevent on-street parking.
7. The front setback line of the vehicle display area shall be marked by a permanent curb of sufficient height and stability to serve as a tire stop.

P. Sexually Oriented Business:

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 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.

1. 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.
2. No sexually oriented business shall be established on a parcel within five hundred (500) feet of any residence.
3. The proposed use shall conform to all specific density and setback regulations of the zoning district in which it is located.
4. The proposed use must meet all applicable written and duly promulgated standards of Mikado 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.
5. 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.
6. 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.
7. Entrances to the proposed sexually oriented business must be posted on both the exterior and interior walls, in a location clearly visible to those entering and exiting the business, and using lettering no less than two (2) inches in height that: 1) "persons under the age of 18 are not permitted to enter the premises", and 2) "No alcoholic beverages of any type are permitted within the premises unless specifically allowed pursuant to a license duly issued by the Michigan Liquor Control Commission."

8. No product or service for sale or gift, or any picture or other representation of any product or service or gift, shall be displayed so as to be visible from the nearest adjoining roadway or a neighboring property.
9. Hours of operation shall be limited to 12:00 PM (noon) to 12:00 AM. (Midnight)
10. 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:
 - a. Shall be handicap accessible to the extent required by the Americans With Disabilities Act;
 - b. Shall be unobstructed by any door, lock, or other entrance and exit control device;
 - c. 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;
 - d. Is illuminated by a light bulb of wattage of no less than twenty-five (25) watts;
 - e. Has no holes or openings in any side or rear walls.

Q. Storage Uses:

Storage uses, including mini-storage, shall meet the following regulations:

1. All proposed storage buildings nearest to the primary access road shall be site planned to be perpendicular to the road; landscape screening may be required by the Planning Commission.
2. Proposed storage buildings are positioned to the rear of other approved non-storage or non-warehousing buildings, e.g., retail or office uses, or, the storage buildings are set back at least one hundred (100) feet from public road right-of-way lines.
3. Nothing in this section shall prohibit or inhibit storage space as a necessary accessory use to any principal commercial use of the property.
4. Storage facilities for building materials, sand, gravel, stone, lumber, storage of contractor's equipment and supplies, shall be within an enclosed building or behind an obscuring wall or fence.

R. Towers and Antennae Facilities:

Antenna towers and masts for cellular phone and other personal or business communications services may be authorized as a special land use by the Planning Commission. Antenna towers and masts erected and operated as a residential accessory use, and not more than fifty (50) feet in height as measured between the tower's base at grade and its highest point erected, are exempt from the provisions of this Section. In considering such authorization, the Planning Commission shall apply the standards of **Article 7, Article 8** and the following standards:

1. 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.
2. The applicant shall provide documentation to the Planning Commission establishing the need for a new tower and analysis of alternative options, such as co-location of an existing tower or structure.
3. The application for special approval for the tower shall include a visual impact analysis, prepared by the applicant, which includes graphic depictions 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 Zoning Administrator.
4. A cellular phone or other personal and business communications services antenna tower shall be exempt from building height limits established by zoning district regulations, provided that the tower height shall not exceed the minimum height necessary to serve its intended functions. Tower height shall not exceed two hundred (200) feet.
5. The applicant shall provide evidence of feasibility of locating the antenna on an existing tower or other existing structure in the Township or in neighboring communities.
6. The tower and any ancillary building 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.
7. The applicant shall provide documentation of any lighting to be installed on the tower. If tower lighting is required or proposed, the tower may not be approved unless the Planning Commission determines that it will not have a significant adverse impact on properties and residents of the surrounding area.
8. Towers shall be painted so as to be as unobtrusive as possible. The painting of towers in alternate bands of orange and white shall be permitted only if specifically required by Federal Communications Commission (FCC) or Federal Aviation Administration (FAA) regulations. If alternate band painting is required by FCC or FAA regulations, the applicant shall provide documentation of such requirements and regulations.
9. The applicant shall provide documentation of conformance with any Federal Communications Commission and Federal Aviation Administration regulations.
10. The owner/operator of the tower shall agree to permit use of the tower by other personal or business communications services providers, 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.

11. As a condition of approval, the Planning Commission may require an owner to deposit funds in escrow with the Township, or provide a **performance guarantee** satisfactory to the Township's Attorney to assure the removal of towers and masts as prescribed in this Section. If required, such escrow deposit or insurance bond shall be in an amount equal to the estimated cost of removal of the tower at the time of approval. Such escrow deposit or bond shall be maintained by successor owners.
12. If the tower ceases operation for its original use or is abandoned for any reason, the Township may order its removal from the site by the owner of the tower within three (3) months of notification by the Township. If the cost exceeds the amount held in escrow, the current owner shall be responsible for additional costs.
13. If the height required for the tower to serve its intended function decreases from the installed height due to technological advancement, additional tower installations at other locations, or other factors, the Township may order that the tower be lowered to such decreased minimum height.
14. The tower and any supporting or appurtenant structures shall be no closer to any dwelling than the distance equal to one and one half (1.5) times the height of the tower measured from its base at grade to its highest point of elevation.
15. The Zoning Board of Appeals shall have no jurisdiction over a decision made by the Planning Commission to approve, approve with conditions, or deny an application for Special Land Use approval to erect and maintain cellular phone and other personal and business communications antenna towers.

S. Wind Turbine Generators, Commercial and Anemometer Towers:

Unless otherwise provided, wind turbine generators and anemometer towers shall comply with all of the following standards:

1. Sufficient Wind Resources

The proposed site shall have documented annual wind resources sufficient for the operation of the proposed wind turbine generator; provided, however, this standard shall not apply to an anemometer tower. No wind turbine generator shall be approved without submission of a wind resource study documenting wind resources on the site over a minimum of one year. Said study shall indicate the long term commercial economic viability of the project. The Township may retain the services of an independent, recognized expert to review the results of the wind resource study prior to acting on the application for special approval.

2. Minimum Site Area

The minimum site area for a wind turbine generator or an anemometer tower erected prior to a wind turbine generator shall be as necessary to meet required setbacks and any other standards of this ordinance.

3. Setbacks

Each proposed wind turbine generator or anemometer tower shall meet the following applicable setback requirements:

- a. Each wind turbine generator shall be set back from any adjoining lot line a distance equal to one and one half (1.5) times the total height of the WTG. The Planning Commission may reduce this setback to no less than one hundred (100) feet; provided the adjoining property is owned by the applicant or an easement is obtained. The amount of setback relief approved by the Planning Commission will be based on data provided by the applicant and prepared by a qualified professional. Such data shall satisfy the Planning Commission that any potential blade and ice throw will not cross the property line and 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.
- b. In addition to the above, a wind turbine generator shall, in all cases, be set back from a public or private road right-of-way or existing easement a minimum distance equal to one and one half (1.5) times the height of the wind turbine generator tower as defined in the Ordinance.
- c. For any newly proposed wind turbine generator or anemometer tower, a "wind access buffer" equal to a minimum of five (5) rotor diameters shall be observed from any existing off-site wind turbine generator tower, based on the average rotor diameter between the existing and proposed WTG.

4. Maximum Height

The maximum wind turbine generator height or the height of an anemometer tower erected prior to the wind turbine generator shall not exceed the minimum height indicated by the wind resource study or 300 feet, whichever is less, inclusive of blade at the maximum vertical position.

The Planning Commission may approve an increased height for a wind turbine generator tower or an anemometer tower if all of the following conditions are met:

- a. The increased height will result in the preservation of a substantial stand of trees, existing land forms or structures that would otherwise be removed to increase wind velocity
- b. The increased height is the minimum necessary to achieve a reasonable rate of return on the operation of the wind turbine generator given the documented wind speeds and other site conditions. A reasonable rate of return is not equivalent to

maximizing economic return to the operator, as determined by the Planning Commission or a qualified professional hired by the Township.

- c. The increased height will not result in increased intensity on lighting of the tower due to FAA or MAC requirements.

5. Minimum Rotor Wind Vane or Blade Clearance.

The lowest point of the arc created by rotating wind vanes or blades on a wind turbine generator shall be no less than fifteen (15) feet.

6. Maximum Noise Levels.

Any proposed wind turbine generator shall result in the production of cumulative sound levels that are no more than fifty (50) decibels as measured on the dB (A) scale at the property lines of the site in question.

7. Maximum Vibrations.

Any proposed wind turbine generator shall not produce vibrations through the ground humanly perceptible beyond the property on which it is located.

8. Interference with Residential or Governmental Reception.

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

9. Landscaping.

Each proposed wind turbine generator shall meet the following landscaping requirements; provided, however, the Planning Commission may reduce or waive such requirements if it finds that because of the remote location of the site, or other factors, the visual impact of the wind turbine generator would be minimal.

- a. The base of the wind turbine generator shall be landscaped with a buffer of plant materials that effectively screens the view of the bases of these facilities from adjacent property used for residential purposes. The standard buffer shall consist of a landscaped strip at least four (4) feet wide outside the perimeter of the facilities.
- b. Existing natural land forms on the site which effectively screen the base of the wind turbine generator or anemometer tower erected prior to a wind turbine generator from adjacent property used for residential purposes shall be preserved to the maximum extent possible.
- c. Landscaping shall be designed to counter the effects of "shadow flicker" on any neighboring residences or roadways caused by the rotor rotation in the sunlight.

- d. To ensure compliance with these landscaping standards, the Planning Commission may require additional landscaping on the site after the installation of the wind turbine generator.

10. State or Federal Requirements.

Any proposed wind turbine generator anemometer tower shall meet or exceed any standards and regulations of the Federal Aviation Administration (FAA), Michigan Aeronautics Commission (MAC), the Michigan Public Service Commission, National Electric Safety Code, and any other agency of the state or federal government with the authority to regulate wind turbine generators or other tall structures in effect at the time the Special Land Use approval is approved.

11. Soil Conditions.

A proposal for any wind turbine generator or anemometer tower shall be accompanied by a report of the soils present on the site based on soil borings, and a description of the proposed foundation size, materials, and depth. The top of such a foundation shall be installed to a depth of five (5) feet below grade, to allow for feasible future reuse of the land unless the applicant provides a financial assurance that the foundation will be removed in the event that the tower is removed.

12. Aesthetics and Lighting.

Any proposed wind turbine generator or anemometer tower shall meet the following requirements:

- a. Each wind turbine generator or anemometer tower shall either maintain a galvanized steel finish or, subject to any applicable standards of the FAA and MAC, be painted a neutral color so as to reduce visual obtrusiveness.
- b. Each wind turbine generator, including all accessory structures, or anemometer tower shall, to the extent possible, use materials, and colors that will blend them into the natural setting and surrounding buildings. A medium gray shade is the preferred color for any wind generator or anemometer tower; however, the Planning Commission may approve an alternate color if the facility is suspected to be located within an avian migratory route or if an alternate color would otherwise benefit the community.
- c. Each wind turbine generator or anemometer tower shall not be artificially lighted, unless required by the FAA, MAC or other applicable governmental authority. If lighting is required, the lighting alternatives and design chosen:
 - 1) Shall be the intensity required under FAA or MAC regulations.
 - 2) Shall not be strobe lighting or other intermittent white lighting fixtures, unless expressly required by the FAA or MAC. Such intermittent lighting shall be alternated with steady red lights at night if acceptable to the FAA or MAC.

- 3) May be a red top light that does not pulsate or blink.
- 4) All tower lighting required by the FAA or MAC shall be shielded to the extent possible and acceptable to the FAA or MAC to reduce glare and visibility from the ground.

Each wind turbine generator or anemometer tower shall be sited on the property in a location that reduces to the maximum extent possible any adverse impacts on significant view corridors from adjacent properties, while at the same time maintaining contact with economically viable wind resources.

Each wind turbine generator or anemometer tower shall be a monopole or monotube style construction (as distinguished from a lattice-style tower) and shall not utilize guy wires.

13. Sign.

A sign no more than four (4) 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 erected prior to a wind turbine generator. No wind turbine generator tower or anemometer tower or site shall include any advertising sign.

14. Hazard Planning.

An application for a wind turbine generator shall be accompanied by a hazard prevention plan. Such plan shall address the following at a minimum:

- a. Certification that the electrical wiring between turbines, and between turbines and the utility right-of-way does not pose a fire hazard.
- b. The landscape plan accompanying the application shall be designed to avoid 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.

The following shall be submitted with the application for a Special Land Use approval for a wind turbine generator:

- a. A listing of any hazardous fluids that may be used on site shall be provided, including Material Data Safety Sheets (MDSS).
- b. Certification that the turbine has been designed to contain any hazardous fluids shall be provided.
- c. A statement certifying that the turbine shall be routinely inspected to ensure that no fluids are released from the turbine.
- d. A Hazardous Materials Waste Plan shall be provided.

15. Approvals

All required approvals from other local, regional, state or federal agencies must be obtained prior to submittal of a site plan, and such approvals shall be submitted as part of the required site plan for Planning Commission consideration.

16. Removal of Abandoned Wind Turbine Generators or Anemometer Towers

- a. Wind production summary reports by month shall be provided annually for each WTG to the Township Planning Commission and the Township Clerk, by January 31st each year, for the preceding year.
- b. Any wind turbine generator or anemometer tower that is not operated for a continuous period of twelve (12) months shall be considered abandoned, and the owner of such wind turbine generator or anemometer tower shall remove the same within one hundred eighty (180) days of abandonment. In addition to removing the wind turbine generator, or anemometer tower, the owner shall restore the site of the wind turbine generator or anemometer tower to its original condition prior to location of the wind turbine generator or anemometer tower, subject to reasonable wear and tear. Any foundation associated with a wind generator or anemometer tower shall be removed to a minimum depth of five (5) feet below the final grade and site vegetation shall be restored. Failure to remove an abandoned wind turbine generator or anemometer tower within the one hundred eighty (180) day period provided in this subsection shall be grounds for the Township to remove the wind turbine generator or anemometer tower at the owner's expense. Such reasonable cost (including adjustment for inflation) of removing the wind turbine generator or anemometer tower and attendant accessory structures shall be a condition of a Special Land Use approval given pursuant to this section.

**ARTICLE 10:
ADMINISTRATION AND ENFORCEMENT OF ORDINANCE**

Section 10.0 – Zoning Administrator

- A. The provisions of this Ordinance shall be administered and enforced by a Township Zoning Administrator, appointed by the Township Board of Trustees for such term and subject to such conditions and at such rate of compensation as said Board shall determine is reasonable.
- B. The Zoning Administrator shall have the power to grant Zoning Permits and to make inspections of buildings or premises necessary to carry out his duties in the enforcement of this Ordinance. The Zoning Administrator shall not approve any plans or issue any Permits for the excavation or construction until such plans have been inspected in detail and found to conform to this Ordinance.
- C. The Zoning Administrator shall under no circumstances be permitted to make changes to this Ordinance or to vary the terms of this Ordinance in carrying out the duties of Zoning Administrator.
- D. The Zoning Administrator shall not refuse to issue a Permit when conditions imposed by this Ordinance are complied with by the applicant despite violations of contracts, such as covenants or private agreements that may occur upon the granting of said Permit.

Section 10.1 – Zoning Permit

- A. No building or structure subject to the provisions of this Ordinance shall hereafter be erected, structurally altered, reconstructed, used, or moved, nor shall any excavation, tree removal or filling of land commence until a Zoning Permit application has been filed with the Township Zoning Administrator and a Zoning Permit has been issued by the Zoning Administrator, except as otherwise provided for in this Ordinance. No Zoning Permit shall be required for any lawful use of any building or structure in existence as of the adoption date of this Ordinance.
- B. The application shall be signed by the owner of the premises or his agent and shall certify that all provisions of this Ordinance and other applicable laws and requirements are to be complied with. The application shall be accompanied by:
 - 1. A site plan, if required, or a sketch in duplicate, in a scale sufficient to clearly detail– as determined by the Zoning Administrator, the location and dimensions of the premises including the boundary lines of all parcels of land under separate ownership contained therein; the size, dimensions, location on the premises, and height of all buildings, structures or other impervious surfaces in existence, to be erected and/or altered; the width and alignment of all abutting streets, highways, alleys, utility locations, easements and public open spaces; the front yard dimensions of the nearest building on both sides of the proposed building or structure; the location and dimensions of sewage disposal facilities both on adjoining land or lots and those to be erected on the lot under consideration; and the location of all wells on adjoining lands or lots and those to be erected on the lot under consideration.

2. Properties under two (2) acres in size may be required to submit a legal survey, sealed by a professional surveyor (not a mortgage survey). The Zoning Administrator shall have the authority to require such a survey in the cases where there may be encroachment on the setbacks by the proposed structures or when the exact locations of lot lines are not known.
 3. Copies of permits or waivers of permits by other agencies as may be required by statute and/or by the Zoning Administrator.
 4. Such other information as may be required to determine compliance with this Ordinance.
- C. A Zoning Permit shall not be issued until all other necessary permits required by statute have been obtained or waived with exception of those permits issued by the Alcona County Building Department.
 - D. The location of the property boundaries and all structures shall be staked on the ground for Zoning Administrator's use prior to the issuance of the Zoning Permit.
 - E. The zoning permit will expire after one year from date of issuance for any Zoning Permit under which no construction has occurred or no substantial construction has been done in the furtherance of the zoning permit.
 - F. The Zoning Administrator shall have the power to revoke or cancel any Zoning Permit in case of failure or neglect to comply with the provisions of the Ordinance, or in the case of a false statement or misrepresentation made in the application. The owner shall be notified of such revocation in writing.
 - G. No Zoning Permit shall be valid until the required fees have been paid. Except for an accessory building or structure less than two hundred (200) square feet in size, which does not require a zoning permit pursuant to Section 10.1 (A) of this Ordinance, no separate fee shall be required for accessory buildings or structures when application thereof is made at the same time as the principal building or structure. Applications and petitions filed pursuant to the provisions of this Ordinance shall be accompanied by the filing fees as specified by the Township Board.
 - H. Upon issuance of the Zoning permit, a copy of the permit and the application, including any drawings shall be transmitted to the Township Assessor.

Section 10.2 – Conditions

The Planning Commission, **Township Board** and Zoning Board of Appeals may attach reasonable conditions on discretionary zoning decisions under its respective jurisdiction. These conditions may include those necessary to insure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity, to protect the natural environment and conserve natural resources and energy, to insure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner. 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 insure compliance with those standards.

Section 10.3 – Public Notification

All applications for development approval requiring a public hearing shall comply with the Michigan Zoning Enabling Act, PA 110 of 2006, 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 Planning Commission Secretary shall be responsible for preparing the content of the notice, having it published in a newspaper of general circulation in Mikado Township and mailed or delivered as provided in this Section.
- B. **Content:** All mail, personal and newspaper notices for public hearings shall:
 - 1. **Describe the nature of the request:** Identify whether the request is for a rezoning, text amendment, special 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. **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. **Personal and Mailed Notice**
 - 1. **General:** When the provisions of this Ordinance or state law require that personal or mailed notice be provided, notice shall be provided to:

- a. The owners of the property for which approval is being considered and the applicant, if different than the owner(s) of the property.
 - b. Except for rezoning requests involving eleven (11) or more adjacent properties or an ordinance interpretation request that does not involve a specific property; to all persons to whom real property is assessed within three hundred (300) feet of the boundary of the property subject to the request, regardless of whether the property or the occupant is located within Mikado Township. If the name of the occupant is not known, the term "occupant" may be used in making notification. 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.
 - c. All neighborhood organizations, public utility companies, railroads and other persons which have requested to receive notice pursuant to **§10.4**, Registration to Receive Notice by Mail.
 - d. Other governmental units or infrastructure agencies within one (1) mile of the property involved.
2. Notice by mail/affidavit: Notice shall be deemed mailed by its deposit in the United States mail, first class, property addressed, postage paid. The Planning Commission Secretary 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.
- D. Timing of Notice: Unless otherwise provided in the Michigan Zoning Enabling Act, PA 110 of 2006, or this Ordinance where applicable, notice of a public hearing shall be provided as follows:
1. For a public hearing on an application for a rezoning, text amendment, special land use, planned unit development, variance, appeal, or ordinance interpretation: not less than fifteen (15) days before the date the application will be considered for approval.

Section 10.4 – Registration to Receive Notice by Mail

- A. General: Any neighborhood organization, public utility company, railroad or any other person may register with the Township Clerk to receive written notice of all applications for development approval pursuant to **§10.3.C.1.c**. Personal and Mailed Notice, or written notice of all applications for development approval within the zoning district in which they are located. The Township Clerk shall be responsible for providing this notification, as established by the Township Board.

- B. Requirements: The requesting party must provide the Township Clerk information on an official form to ensure notification can be made. All registered persons must register annually to continue to receive notification pursuant to this Section.

Section 10.5 – Rehearing Process

- A. Final Decisions: Except as provided in this section, a decision of the Planning Commission or Zoning Board of Appeals shall be final. The Planning Commission or Zoning Board of Appeals may grant a rehearing under exceptional circumstances for any decision made by it. Exceptional circumstances shall mean any of the following:
1. The applicant who brought the matter before the Planning Commission or Zoning Board of Appeals made misrepresentations concerning a material issue, which was relied upon by the Planning Commission or Zoning Board of Appeals in reaching its decision.
 2. There has been a material change in circumstances regarding the Planning Commission or Zoning Board of Appeals' findings of fact, which occurred after the public hearing.
 3. The Township attorney by written opinion states that in the attorney's professional opinion the decision made by the Planning Commission or Zoning Board of Appeals or the procedure used in the matter was clearly erroneous.
- B. Rehearing Procedure: A rehearing may be requested by the applicant or by the Zoning Administrator, or a rehearing may be granted by the Planning Commission or Zoning Board of Appeals on its own motion.
1. A request for a rehearing which is made by an applicant must be made within twenty-one (21) days from the date of approval of the Planning Commission's or Zoning Board of Appeals' minutes regarding the decision for which the rehearing is being requested.
 2. A request for a rehearing made by the Zoning Administrator or a rehearing granted by the Planning Commission or Zoning Board of Appeals on its own motion may be granted at any time as long as the applicant has not been prejudiced by any delay.
 3. 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 applicants' 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 10.6 – Fees

- A. To assist in defraying the costs of investigating, reviewing, and administering zoning applications, appeals, rezoning requests from individual property owners, and other types of decisions which result in extra costs to the Township, the Township Board may from time to time adopt by resolution a fee schedule establishing basic zoning fees, such as those fees related to the following:
1. Zoning permits
 2. Special land use permits
 3. Ordinance interpretations by the Zoning Board of Appeals including appeals of administrative decisions or request for interpretation. Appeals and requests for interpretation initiated by the Township Board, the Planning Commission, or the Zoning Administrator shall not be subject to a zoning fee.
 4. Requests for variances from the Zoning Board of Appeals.
 5. Requests for rezoning of property by individual property owners or amendments to the zoning ordinance text. Rezoning of property or text amendments initiated by the Township Board, the Planning Commission, or the Zoning Administrator shall not be subject to a zoning fee.
 6. Site plan reviews.
 7. Requests for a planned unit development (PUD).
 8. Any other discretionary decisions by the Planning Commission or Zoning Board of Appeals.
- B. The amount of these zoning fees shall cover the costs associated with the review of the application or appeal, including but not limited to the costs associated with conducting public hearings, publishing notices in the newspaper, sending required notices to property owners, postage, photocopying, mileage, time spent by Township staff, and **per diem paid to** the members of the Planning Commission and/or Zoning Board of Appeals. The basic zoning fees shall be paid before any application required under this Ordinance is processed. The basic zoning fees are non-refundable, even when an application or appeal is withdrawn by the applicant.
- C. If the Planning Commission or Zoning Board of Appeals determines that the basic zoning fees will not cover the actual costs of the application review or appeal, or if the Planning Commission or Zoning Board of Appeals determines that review of the application and/or participation in the review process or appeal by qualified professional planners, engineers, attorneys, or other professionals is necessary or advisable, then the applicant shall deposit with the Township Treasurer such additional zoning fees in an amount determined by the Planning Commission or Zoning Board of Appeals equal to the estimated additional costs. The additional zoning fees shall be held in escrow in the applicant's name and shall be used

solely to pay these additional costs. If the amount held in escrow becomes less than ten 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 make any escrow deposit required under this Ordinance shall be deemed to make the application incomplete thereby justifying the denial of the application. 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.

Section 10.7 – 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, and the completion of conditions imposed by the Planning Commission which are located within the development. For purposes of this section, the costs covered by the performance guarantee shall include all of the following: (1) the purchase, construction, and/or installation of the improvements, (2) architectural and engineering design and testing fees and related professional costs, and (3) an amount for contingencies consistent with generally accepted engineering and/or planning practice. The performance guarantee shall be deposited with the Township Clerk at or before the time the Township issues the permit authorizing the development, or if the development has been approved in phases, then the performance guarantee shall be deposited with the township clerk prior to the commencement of construction of a new phase. The performance guarantee shall ensure completion of the public and site improvements in accordance with the plans approved by the Planning Commission. Any cash deposit or certified funds shall be refunded for the development or each phase of a multi-phase development in the following manner:

- A. One-third (1/3) of the cash deposit after completion of one-third (1/3) of the public and site improvements;
- B. Two-thirds (2/3) 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.

Section 10.8 – Violations and Penalties

A. Nuisance per se

Any land, dwellings, buildings or structures, including tents and trailer coaches, used, erected, altered, razed or converted in violation of this Ordinance or in violation of any regulations, conditions, permits or other rights granted, adopted or issued pursuant to this Ordinance are hereby declared to be a nuisance per se.

B. Inspection

The Zoning Administrator shall have the responsibility to investigate each alleged violation and shall have the right to inspect any property for which a zoning permit has been issued to the ensure compliance with the plans and conditions of the zoning permit or approved site plan.

C. Penalties

1. Any person, partnership, limited liability company, corporation, association or other entity who creates or maintains a nuisance per se or who violates or fails to comply with this Ordinance or any permit issued pursuant to this Ordinance shall be responsible for a municipal civil infraction and shall be subject to a fine of not more than Five Hundred and 00/100 (\$500.00) Dollars. Every day that such violation continues constitutes a separate and distinct offense under the provisions of this Ordinance. Nothing in this section shall exempt the offender from compliance with provisions of this Ordinance or prohibit the Township from seeking additional and/or equitable relief from any court to ensure compliance with the provisions of this Ordinance.
2. The Township Zoning Administrator is hereby designated as the authorized Township official to issue municipal civil infraction citations directing alleged violators of this Ordinance to appear in court. The Township Board may also designate from time to time other officials to issue municipal infraction citations on behalf of the Township in connection with alleged violations of this Ordinance.
3. In addition to or in lieu of enforcing this Ordinance, as a municipal civil infraction, the Township may initiate proceedings in the any court of competent jurisdiction to abate, eliminate, or enjoin the nuisance per se or any other violation of this Ordinance.

D. Stop Work Order

1. If construction or land uses are being undertaken contrary to a zoning permit, the Zoning Enabling Act, or this ordinance, the Zoning Administrator or any other official authorized by the Township Board is authorized to post a stop work order on the property at a suitable location, such as at an entrance, in order to prevent the work or activity from proceeding in violation of the ordinance.

2. A person shall not continue, or cause or allow to be continued, construction or uses in a violation of a stop work order, except with permission of the enforcing agency to abate a dangerous condition or remove the violation, or except by court order. If an order to stop work is not obeyed, the enforcing officer or agency may apply to the circuit court for an order enjoining the violation of the stop work order. This remedy is in addition to, and not in limitation of, any other remedy provided by law or ordinance, and does not prevent civil prosecution for failure to obey the order.

Section 10.9 Conflicting Regulations

In the interpretation of this Ordinance, this Ordinance shall control unless there exists a conflict with any other township ordinances, in which case the more stringent regulations will control.

Section 10.10 Severability

This Ordinance and various parts, sections, subsections, sentences, phrases and clauses thereof are hereby declared to be severable. If any part, sentence, paragraph, section, subsection, phrase or clause is adjudged unconstitutional or invalid, it is hereby provided that the remainder of this Ordinance shall not be affected thereby. The Township Board hereby declared that it would have passed this Ordinance and each part, section, subsection, phrase, sentence and clause thereof irrespective of the fact that any one or more parts, sections, subsections, phrases, sentences or clauses be declared invalid.

**ARTICLE 11:
ZONING BOARD OF APPEALS**

Section 11.0 – Zoning Board of Appeals

A. Creation and Membership:

The Zoning Board of Appeals (ZBA) shall perform its duties and exercise its powers as provided in Article 6 of Act 110, P.A. 2006, as amended, and in such a way that the objectives of this Ordinance shall be observed, public safety secured, and justice done. The Board shall consist of three (3) members, appointed by the Township Board.

1. The first member shall be a member of the Township Planning Commission for the terms of his/her office.
2. The remaining members must be selected from the electors of the Township residing outside of incorporated cities and villages and shall be representative of the population distribution and of the various interests present in the Township. One (1) member may be a member of the Township Board.
3. An elected officer of the Township shall not serve as chairman. An employee or contractor of the Township Board may not serve as a member or an employee of the Board of Appeals.
4. The Township Board may appoint not more than two (2) alternate members for the same term as regular members to the Zoning Board of Appeals. An alternate member may be called to sit as a regular member of the Zoning Board of Appeals in the absence of a regular member if a regular member is absent from or unable to attend one (1) or more meetings of the Zoning Board of Appeals. An alternate member may also be called to serve in the place of a regular member for the purpose of reaching a decision on a case in which the regular member has abstained for reasons of conflict of interest. The alternate member having been appointed shall serve in the case until a final decision has been made. The alternate member shall have the same voting rights as a regular member of the Zoning Board of Appeals.
5. The terms of office for members of the Zoning Board of Appeals shall be for three (3) years, except for members serving because of their membership on the Planning Commission or the Township Board, whose terms shall be limited to the time they are members of those bodies. When members are first appointed, the appointments may be for less than three (3) years to provide for staggered terms. A successor shall be appointed not more than one (1) month after the term of the preceding member has expired. Vacancies for unexpired terms shall be filled for the remainder of the term.
6. 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 disqualify himself or herself from a vote in which the member has a conflict of interest. Failure of a member to disqualify himself or herself from a vote in which the member has a conflict of interest constitutes malfeasance in office.

B. Meetings:

Meetings of the Board of Appeals shall be held at the call of the Chairman and at such other times as such Board may determine or specify in its rules or procedure. All hearings conducted by said Board shall be open to the public. The Board of Appeals shall adopt its own rules of procedure and keep a record of its proceedings showing the vote of each member upon each question, or if absent or failing to vote, indicating said fact; and shall file a record of its proceedings in the office of the Township Clerk, and shall be a public record. The concurring vote of a majority of the members of the Board of Appeals shall be necessary to reverse any order, requirement, decision, or determination of the Zoning Administrator, or to decide in favor of an applicant any matter upon which they are required to pass under this Ordinance or to effect any variation of this Ordinance.

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

C. Jurisdiction:

1. An appeal concerning the administration of the provisions of this Ordinance may be taken to the Board of Appeals within the timeframe defined in the general rules and procedures adopted by the Zoning Board of Appeals. If such a timeframe is not specified, appeals shall be filed within thirty (30) days of the decision of the Zoning Administrator from which the appellant seeks relief.
2. The ZBA may hear appeals made by any person who alleges he or she has been aggrieved by a decision of the Zoning Administrator.
3. The ZBA may grant dimensional variances as provided for in **§11.0 (E)**. The ZBA shall not grant use variances.
4. The ZBA may also interpret the location of zoning district boundaries and may interpret the provisions of this Ordinance.
5. An appeal may be made by any person, firm or corporation, or by any Officer, Department or Board of the Township. The appellant shall file with the Board of Appeals, on blanks or forms to be furnished by the Zoning Administrator, a notice of appeal specifying the grounds for the appeal.
6. The Zoning Administrator shall transmit to the Board of Appeals all the papers constituting the record upon which the action appealed from was taken. The final decision of such appeal shall be in the form of a resolution reversing, modifying or affirming, wholly or partly, the decision or determination appealed from. Reasons for the decision must be stated.
7. Any person may appear and testify at the hearing either in person or by duly authorized agent or attorney.

8. The ZBA has no jurisdiction to hear appeals from Planning Commission decisions concerning site plan review, Special Land Use approvals or Planned Unit Developments.
9. When the proposed use of land or use of a structure is not specified in this Ordinance, the Zoning Board of Appeals shall have the power upon written request of the property owner or Zoning Administrator to classify the unlisted property use. In determining the proper classification of an unlisted property use, the Zoning Board of Appeals shall consider the characteristics of the proposed unlisted property use in relation to similar and comparable uses listed in any zoning district and in relation to the requirements of the township master plan. Once classified, the unlisted property use is subject to all applicable regulations pertaining to similar uses in the zoning district in which placed, including the regulations pertaining to uses subject to special use permit approval, if classified as such a use by the Zoning Board of Appeals.

D. Stay:

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

E. Variances:

1. Dimensional Variance Standards: The ZBA may grant dimensional variances when the applicant demonstrates in the official record of the hearing that the strict enforcement of this Ordinance would result in practical difficulty. To establish practical difficulty, the applicant must establish all of the following:
 - a. Strict compliance with area, setbacks, frontage, height, bulk or density would unreasonably prevent the owner from using the property for a permitted purpose, or would render conformity unnecessarily burdensome;
 - b. A variance would do substantial justice to the applicant as well as to other property owners in the district, and that a lesser relaxation would not give substantial relief and be more consistent with justice to others;
 - c. The plight of the owner is due to unique circumstances of the property;
 - d. The problem was not self-created.

F. Zoning Board of Appeals Submittal:

The applicant is required to submit six (6) copies of surveys, plans and data as required under **Article 7**, or other information deemed reasonably necessary for making any informed decision on his or her appeal.

G. Conditions of Approval:

The ZBA may impose such conditions or limitations in granting a variance as deemed necessary to protect the character of the area, as provided for in **§10.2**.

H. Exercising Powers:

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

I. Miscellaneous:

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

**ARTICLE 12:
ADOPTION AND AMENDMENTS**

Section 12.0 – Amendment to this Ordinance

- A. The Township Board is authorized and empowered to cause this Ordinance to be amended, supplemented, or changed, pursuant to the authority and according to the procedures set forth in Act 110 of 2006, as amended.
1. The regulations and provisions stated in the text of this Ordinance and the boundaries of zoning districts shown on the Mikado Township Zoning Map may be amended, supplemented or changed by action of the Township Board following a recommendation from the Township Planning Commission.
 2. Proposals for amendments, supplements or changes may be initiated by the Township Board on its own motion, by the Township Planning Commission or by petition of one (1) or more owners of property to be affected by the proposed amendment.
 3. The procedure to be followed for initiating and processing an amendment shall be as follows:
 - a. 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. The Zoning Administrator shall notify, in writing, the Township Clerk and Chair of the Planning Commission at or before the time he/she transmits the amendment request to the Planning Commission.
 - c. 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.
 - d. The public notice procedure shall be the same as that contained in **§10.3**.
 - e. The Planning Commission shall review and apply the following standards and factors in the consideration of any re-zoning request.
 - 1) Is the proposed rezoning consistent with the Mikado Township Master Plan?
 - 2) Is the proposed rezoning all of the allowable uses in the proposed district reasonably consistent with surrounding uses?
 - 3) Will there be an adverse physical impact on surrounding properties?
 - 4) Will there be an adverse effect on property values in the adjacent area?

- 5) Have there been changes in land use or other conditions in the immediate area or in the community in general which justify rezoning?
 - 6) Will rezoning create a deterrent to the improvement or development of adjacent property in accord with existing regulations?
 - 7) 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)?
 - 8) Are there substantial reasons why the property cannot be used in accordance with its present zoning classifications?
 - 9) Is the rezoning in conflict with the planned use for the property as reflected in the master plan?
 - 10) Is the site served by adequate public facilities or is the petitioner able to provide them?
 - 11) Are there sites nearby already properly zoned that can be used for the intended purposes?
- f. 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.
 - g. 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.
 - h. The Township Board shall grant a hearing on a proposed ordinance provision to a property owner who requests a hearing by certified mail, addressed to the Township Clerk. Notice of such hearing shall be published using the procedures in **§10.3**.
 - i. The Township Board may refer any proposed amendments to the Planning Commission for consideration and comment within a time specified by the Township Board.
 - j. After any such public hearing as allowed under **§12.1(A) (3) (h)**, the Township Board shall consider and vote upon the adoption of a zoning ordinance amendment. A zoning ordinance amendment shall be approved by a majority vote of the members of the Township Board.
 - k. 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 eight (8) business days

after publication or at a later date as may be specified by the Township Board at the time of adoption.

- I. No application for a rezoning which has been denied by the Township shall be resubmitted for a period of one (1) year from the date of the last denial, except on grounds of newly discovered evidence or proof of changed conditions found upon inspection by the Township Planning Commission to be valid.

Section 12.1 – Repeal and Savings Clause

- A. This Ordinance repeals and replaces any previous Mikado Township Zoning Ordinance in its entirety.
- B. The repeal of the Mikado Township Zoning Ordinance 94-1 (August 1, 1994), as provided, shall not affect any rights acquired, fines, penalties, forfeitures or 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 Ordinance for the purpose of such rights, fines, penalties, forfeitures, liabilities and actions therefore.

Section 12.2 – Enactment and Effective Date

- A. This Ordinance was adopted on February 12, 2007 by the Mikado Township Board of Trustees and will be effective February 28, 2007. The foregoing Zoning Ordinance and Zoning Map were presented at public hearings before the Planning Commission on November 27, 2006.
- 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 Section 401 of PA 110 of 2006, as amended.