

Alcona Township

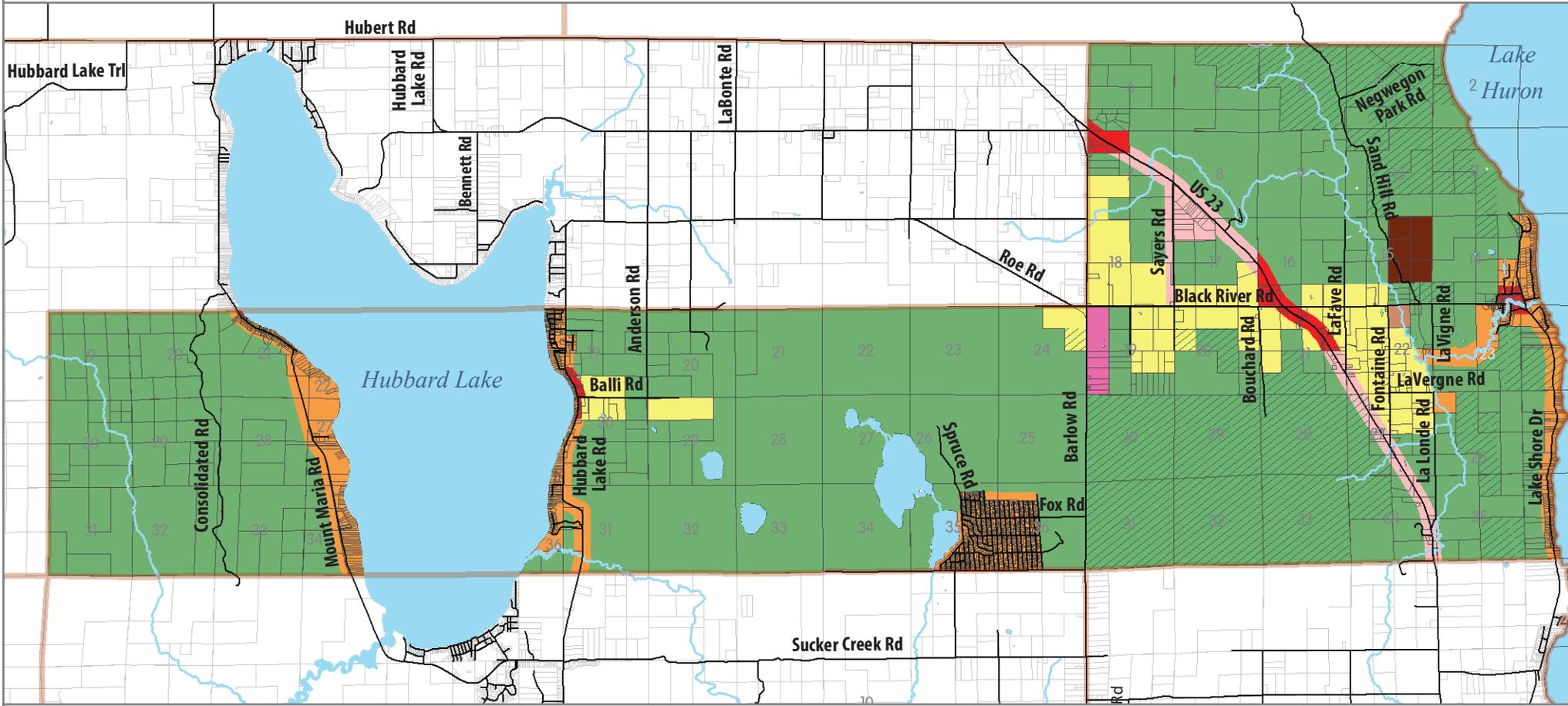
Alcona County, Michigan

Zoning Ordinance



Alcona Township Hall
5576 US 23 South
Black River, MI 48721
989-471-5004

Alcona Township Zoning Map



- R-1: Single Family Residential
- R-2: Low to Medium Density Residential
- R-3: Multiple Family District
- R-4: Manufactured Housing District
- AG: Agricultural District
- FR: Forest Recreation
- C: Commercial
- I: Industrial
- Public Land



MAP UPDATED: JULY 24, 2009
EFFECTIVE: AUGUST 1, 2009

Alcona Township

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5576 US 23 South
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989-471-5004



Map updated by: Northeast Michigan Council of Governments
www.nemcog.org

Alcona Township ZONING ORDINANCE

Alcona Township
Alcona County
Michigan

Adopted: May 9, 2023

Effective: May 24, 2023

Prepared with the assistance of:

Northeast Michigan Council of Governments
www.discovernortheastmichigan.org

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Article 1

Purpose & Authority

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An ordinance to establish zoning districts, provisions, and regulations in the unincorporated portions of Alcona Township, County of Alcona, State of Michigan in accordance with the provisions of **2006 PA 110 (Michigan Zoning Enabling Act)**, as amended. Such enabling act is hereby made a part of this Ordinance just as if said Act were repeated word for word herein.

Section 1.0 Purpose

The fundamental purpose of this Ordinance is to promote and safeguard the public health, safety, and general welfare of the people of Alcona Township. The provisions herein are intended to regulate land development; establish districts within Alcona Township which regulate the use of land and structures to meet the needs of citizens for food, fiber, energy, natural resources, places of residence, recreation, industry, trade, service, and other uses of land; to ensure that use of the land is situated in appropriate locations and relationships; to provide for adequate light, air and health conditions in dwellings and buildings hereafter erected or altered; to limit the overcrowding of land and congestion of population, transportation systems and other public facilities; to facilitate adequate and efficient provision for transportation systems, sewage disposal, water, energy, education, recreation, and other public service and facility requirements; to conserve the expenditure of monies for public involvements and services to conform with the most advantageous uses of land, resources and properties; and to be one means of implementing the policies, goals, and objectives as set forth in the current Master Plan.

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, to divide Alcona 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.

Section 1.1 Enabling Authority

This Ordinance is enacted into law pursuant to **2006 PA 110 (Michigan Zoning Enabling Act)**, as amended.

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Section 1.2 Title

This Ordinance shall be known as the Alcona Township Zoning Ordinance and shall be referred to herein as “this Ordinance.”

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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:

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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.
 3. "Either . . . or" indicates that the connected items, conditions, provisions, or events shall apply singly but not in 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 to them.
- J. "Township" shall refer specifically to Alcona Township.
- K. Any necessary interpretation of this Ordinance shall be made by the Alcona Township Zoning Board of Appeals.

Section 2.1 Definitions

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

A

Abutting: Having property or district line in common; e.g., two (2) lots are abutting if they have property lines in common.

Accelerated Soil Erosion: The increased lay of the land surface that occurs as a result of human activities.

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

Accessory Building 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 principal building, or buildings. An accessory structure attached to a principal structure shall be considered part of the principal structure

Accessory Building or Accessory Structure, Temporary: An accessory structure with no permanent footings or foundations.

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,

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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. steep slopes, wetlands, and the like).

Adjacent Property: All lands which adjoin any side or corner of a specific parcel of land including, but not limited to, those lands separated from the parcel by a road right-of-way, easements, or public utility rights-of-way.

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

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

1. **Adult Day Care Facility:** A facility receiving adults for care for periods of less than twenty-four (24) hours in a day, for more than two (2) weeks in any calendar year. Care for persons related by blood or marriage to a member of the family occupying the dwelling is excluded from this definition.
2. **Adult Foster Care Family Home:** A private residence with the approved capacity to receive six (6) or fewer adults to be provided supervision, personal care, and protection, in addition to room and board, twenty-four (24) hours a day, five (5) or more days a week and for two (2) or more consecutive weeks. The adult foster care family home licensee must be a member of the household and an occupant of the residence.
3. **Adult Foster Care Small Group Home:** An adult foster care facility with the approved capacity to receive twelve (12) or fewer adults who are provided supervision, personal care, and protection, in addition to room and board, for twenty-four (24) hours a day, five (5) or more days a week, and for two (2) or more consecutive weeks.
4. **Adult Foster Care Large Group Home:** A facility with an approved capacity to receive at least thirteen (13) but not more than twenty (20) adults to be provided supervision, personal care, and protection, in addition to room and board, twenty-four (24) hours a day, five (5) or more days a week, and for two (2) or more consecutive weeks.
5. **Adult Foster Care Congregate Facility:** An adult foster care facility with the approved capacity to receive more than twenty (20) adults to be provided with foster care.
6. **State-Licensed Residential Facility:** A structure constructed for residential purposes that is licensed by the State under the [Adult Foster Care Facility Licensing Act, 1979 PA 218](#), MCL

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400.701 to 400.737, or the [Child Care Organizations Act, 1973 PA 116](#), MCL 722.111 to 722.128, and provides residential services for six (6) or fewer individuals under twenty-four (24) hour supervision or care. For residential facilities which are not considered Family Adult Foster Care Homes, the licensee may or may not be a member of the household or an occupant of the residence.

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

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

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8. An establishment commonly described as an alcohol or a substance abuse rehabilitation center, a residential facility for persons released from or assigned to adult correctional institutions, a maternity home, or a hotel or rooming house that does not provide or offer to provide foster care.
9. A facility created by the [Michigan Veterans Facility Act, 1885 PA 152](#), MCL 36.1 to 36.12.
10. An area excluded from the definition of adult foster care facility under Section 17(3) of the [Continuing Care Community Disclosure Act, 2014 PA 448](#), MCL 554.917.
11. A private residence with the capacity to receive at least one (1) but not more than four (4) adults who all receive benefits from a community mental health services program if the local community mental health services program monitors the services being delivered in the residential setting.

Aggrieved Party: To be aggrieved, a party must meet the following three (3) criteria:

- A. The appellant must have participated in the challenged proceedings by taking a position on the contested decision, such as through a letter or oral public comment.
- B. The appellant must claim some legally protected interest or protected personal, pecuniary (financial), or property right that is likely to be affected by the challenged decision.
- C. The appellant must provide some evidence of special damages arising from the challenged decision in the form of an actual or likely injury to or burden on their asserted interest or right that is different in kind or more significant in degree than the effects on others in the local community.

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.

Alley: Any dedicated public right of way affording a secondary or service means of access to abutting property and not intended for general traffic circulation.

Alterations: 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".

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 the direction of a licensed veterinarian registered in the State of Michigan.

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

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

- A. **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.
- B. **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.
- C. **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.
- D. **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).

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 Land 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.

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

Automobile Repair: A place where, with or without the sale of engine fuels, the following services may be rendered: 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

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of motor vehicles.

Automobile Service Station: A place where gasoline or any other automobile engine fuel, kerosene or motor oil, and lubricants or grease (for operation of motor vehicles) are retailed directly to the public on-premises; including the 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 the 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.

B

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

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upon which the billboard is located. Billboards may also be referred to as off-premise signs. Billboards do not include bulletin boards on governmental property used to display official or public notices and information.

Block: A property surrounded by streets, or abutting one side of a street and situated between the two nearest intersecting streets, or bounded by a combination of streets, waterways, parks, unplanted acreage, corporation boundary lines, or other natural or man-made, physical or artificial barrier to continual development.

Board of Appeals: See "[Zoning Board of Appeals](#)."

Boarding House: See "[Rooming House](#)."

Boat Livery and/or Canoe Livery and Boat Yard: Any premise on which boats or floats of any kind are kept for the purpose of renting, leasing, repairing, servicing, storing, or providing use thereof to persons other than the owners for a charge or fee.

Bordering Lands: See "[Adjacent Property](#)."

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.

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 elevation measured from the average finished lot grade at the front of the building to the highest point on 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 a front setback line.

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.

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

Building, Temporary: See “[Temporary Building](#).”

C

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

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.

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

Carport: A permanent roof-like shelter that extends from part of a building and is constructed of rigid material.

Certification of Completion: A signed written statement by the Building Inspector that specific construction has been inspected and found to comply with all grading plans and specifications.

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

- A. **Family Child Care Home:** A State-licensed, owner-occupied private home in which one (1) but fewer than seven (7) minor children are received for care and supervision for periods less than twenty-four (24) hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. Care is given for more than four (4) weeks during a calendar year. A family child care home does not include an individual providing babysitting services for another individual. “Providing babysitting services” means caring for a child on behalf of the child’s parent or guardian if the annual compensation for providing those services does not equal or exceed \$600.00 or an amount that would according to

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the internal revenue code of 1986 obligate the child’s parent or guardian to provide a form 1099-MISC to the individual for compensation paid during the calendar year for those services. Family Child Care Home includes a private home with increased capacity. “Increased capacity” means one (1) additional child added to the total number of minor children received for care and supervision in a family child care home. The definition of Family Child Care Home in **1973 PA 116**, as amended, supersedes this definition if a difference in definition exists.

- B. **Group Child Care Home:** A State-licensed, owner-occupied private home in which more than six (6) but not more than (12) minor children are given care and supervision for periods less than twenty-four (24) hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. Care is given for more than four (4) weeks during a calendar year. Group child care home includes a private home with increased capacity. “Increased capacity” means two (2) additional children added to the total number of minor children received for care and supervision in a group child care home. The definition of Group Child Care Home in **1973 PA 116**, as amended, supersedes this definition if a difference in definition exists.

- A. **Child 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.

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

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.

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

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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 (12) month period.

Commercial Event Facility: A private location where events are held including, but not limited to, weddings, parties, meetings, family reunions, and corporate events. The event locations can include, but not be limited to, tents, gazebos, barns, open areas, and residential structures as well as other structures specifically designed to host events. Events for which the owner or operator of the venue receives no fee or other remuneration in connection with the event and no fees are charged to attendees shall not be considered commercial events.

Commission: Alcona Township Planning Commission.

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

Condominiums:

- A. **Condominium Act:** 1978 PA 59, as amended.
- B. **Condominium Documents:** The master deed, recorded pursuant to the **Condominium Act**, and any other instrument referred to in the master deed or bylaws which affects the rights and obligations of a co-owner in the condominium.
- C. **Condominium Lot:** The condominium unit and the contiguous limited common element surrounding the condominium unit, which shall be the counterpart of "lot" as used in connection with a project developed under the **Land Division Act, 1967 PA 288**, as amended.
- D. **Condominium Unit:** 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.
- E. **General Common Elements:** The common elements other than the limited common elements.
- F. **Limited Common Elements:** A portion of the common elements reserved in the master deed for the exclusive use of less than all of the co-owners.

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- G. **Master Deed:** The condominium document recording the condominium project to which are attached as exhibits and incorporated by reference the bylaws for the project and the condominium subdivision plan for the project, and all other information required by Section 8 of the **Condominium Act**.
- H. **Site Condominium Development:** A condominium development containing residential, commercial, office, industrial, or other structures or improvements for uses permitted in the zoning district in which located, in which each co-owner owns exclusive rights to a volume of space within which a structure or structures may be constructed, herein defined as a condominium unit, as described in the master deed.

Construction Code: 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, qualified for license under applicable Michigan law, for the care of children, aged, or infirm.

Cottage Industry: A Home-Based Business which, due to the nature of the investment or operation, includes one (1) or more of the following aspects:

- A. Requires regular visits by clients or customers.
- B. Needs frequent delivery or shipment of goods.
- C. Conducts regular operations or stores materials outside of the residence.
- D. Employs two (2) or more individuals who reside off-premises.
- E. Has the potential to rapidly increase in size and intensity.

A bed and breakfast facility or short term rental are not considered cottage industries.

Crawl Space: An open area between the floor of a building and the ground.

D

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: A portion of Alcona Township in which certain buildings and activities are permitted and in which certain regulations, in accordance with this Ordinance, are applicable. "District" as used herein

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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: A business establishment primarily developed so that its retail or service character is dependent on providing a driveway approach or parking spaces for motor vehicles, so as to serve patrons while in the motor vehicle while parked.

Drive-In/Drive-Through 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 principal building.

Drive-Through Establishment: A business establishment primarily developed so that its retail or service character is dependent on providing a driveway approach for motor vehicles so as to provide patrons with a service while in the motor vehicle which is in the drive-through lane(s). This service is provided from the establishment by means of a window or similar device.

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. For single-family dwellings, one (1) driveway may provide access to not more than two (2) units.

Dwelling, Apartment: See "[Apartment](#)".

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 three (3) or more dwelling units designed for residential use. The following are all considered Multiple-Family Dwellings:

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- A. **Dwelling - Garden Apartment:** A building divided into separate living quarters, each having living and sleeping facilities and all units with common yard areas for outdoor recreation.
- B. **Dwelling, Atrium House:** A single-family dwelling attached to other similar single-family units, all having a common courtyard.
- C. **Dwelling - Condominium:** An apartment building or multiple unit single-family dwelling in which each tenant holds full title to his unit and joint ownership in the common grounds.
- D. **Dwelling - Patio House:** A single-family detached or semi-detached dwelling unit, enclosed by walls for privacy.

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

Dwelling - Townhouse: A single-family attached dwelling with units sharing common side walls and usually situated in a straight line with each other.

Dwelling, Two-Family or Duplex: A multiple-family dwelling structure designed exclusively for occupancy by two (2) families independent of each other; such as a duplex dwelling unit.

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

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

E

Earth Change: A man-made change in the natural cover or topography of land, including cut and fill activities, which may result in or contribute to soil erosion or sedimentation of the waters of the State.

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.

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.

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Erosion: The process by which the ground surface is worn away by action of wind, water, gravity, or by a combination thereof.

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

F

Family: An individual, or two (2) or more persons related by blood, marriage, or adoption, or a group of individuals not related by blood or marriage whose relationship is of a permanent and distinct domestic character, 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, sorority, lodge, society, association, or similar dwelling for group use where association is temporary in character and nature.

Farm: Structures, facilities, and lands for carrying on of any agricultural activity or the raising of livestock or small animals. Farms include the general as well as the specialized (furs, fowl, dairy, fruits, vegetables, and livestock), but excludes kennels and/or reptiles.

Farm Building: See "**Building, Farm.**"

Feed Lot: Any tract of land or structure wherein any type of fowl, or the byproducts thereof, are raised for retail or wholesale trade, or wherein cattle, horses, sheep, goats, or swine are kept, for the purpose of fattening such livestock for final shipment to market or where swine are kept under any conditions. Regulations pertaining to Concentrated Animal Feed Operations (CAFO's) are administered by the **Michigan Department of Environment, Great Lakes, and Energy**. Information on the permitting process is available on www.mi.gov/cafo.

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.

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

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

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

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.

Floor Area, Usable Commercial: All floor area used for the sale of merchandise or services or for use to serve patrons, clients, or customers. Floor area used principally for the storage or processing of merchandise, hallways or for utilities, shall be excluded for the computation of usable floor area; For uses not enclosed within a building, the area used for the sale of merchandise, display of merchandise, and/or area used to serve patrons shall be measured to determine necessary parking spaces.

Floor Area, Usable Residential: The floor area available for living purposes exclusive of that used for parking vehicles, utility closets, and the like.

G

Gasoline Service Station: See "[Automobile Service Station](#)."

Gazebo: An accessory building of an open ("see-through") design permitted in front or back yard but meeting established setback and size requirements. The open area may be glass and/or screen enclosed.

Grade: An average level of the finished surface of the ground adjacent to the exterior walls of the building or structure.

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. When a screen buffer is required, it shall consist of a dense evergreen planting or a solid fence or wall.

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H

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

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.

Highway: A public thoroughfare or street, excluding alleys, but including federal, state, and county roads and those appearing upon plats recorded in the office of the Register of Deeds and accepted for public maintenance.

Home-Based Business: A profession, occupation, activity, or use conducted within a dwelling or accessory building which is clearly incidental and secondary to the use of the lot and dwelling for residential purposes. See "[Cottage Industry](#)."

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. Those institutions whose primary function is the care of the infirm or mentally ill are not considered hospitals.

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.

I

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.

Inn: A residential structure with sleeping rooms available for rent by guests on a short-term basis and which offers meals to the public for compensation.

J

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, solid waste which is both capable and incapable of decaying (except human body wastes), ashes, glass, cans, bottles, discarded

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or abandoned machinery (except farm equipment), 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.

K

Kennel: Any lot or premises on which six (6) or more dogs 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.

Keyhole Development: The use of waterfront property as common open space for waterfront access for a larger development located away from the waterfront.

L

Lake Frontage: The land adjacent to and abutting the ordinary high-water line of all inland lakes and Great Lakes.

Land Use: A use of land which may result in an earth change, including, but not limited to, subdivision, residential, commercial, industrial, recreational, or other development, private and public highway, road and street construction, drainage construction, logging operations, agricultural practices, and mining.

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](#)."

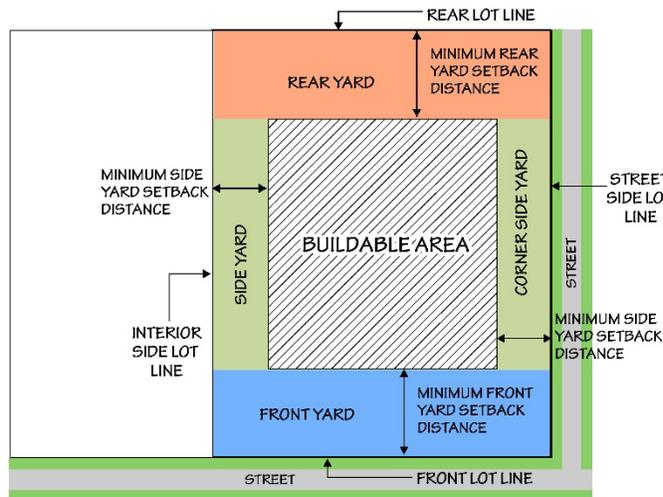
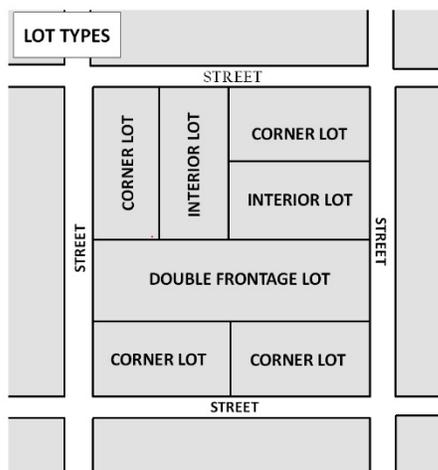
Livestock: Domesticated animals raised for home use or profit. Livestock includes such farm animals as horses, pigs, poultry, cows, goats, sheep, fowl, rabbits, camelids, and similar animals.

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 the computation of required off-street parking.

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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 but not including any area within any abutting right-of-way or traffic lane. A lot may or may not be specifically designated as such on public records. When multiple lots are used for a single purpose, the lots together are considered one (1) lot for zoning purposes.



- A. **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.
- B. **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.
- C. **Lot, Interior:** A lot other than a corner lot with only one (1) lot line fronting on a street.
- D. **Lot, Through:** See Lot, Double Frontage
- E. **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 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.

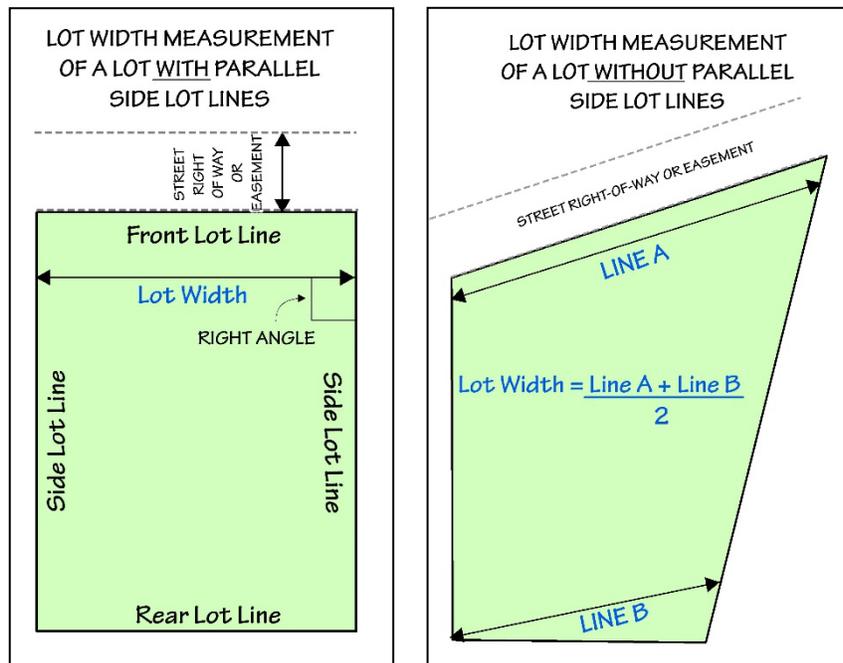
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Lot Lines: The exterior perimeter boundary lines of a lot or parcel.

- A. **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 road right-of-way. In the case of a corner 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 line shall be on the most improved or best rated road. In the case of a lakefront lot, the front lot line shall be that line separating said lot from the ordinary high water line (however, front setbacks shall be met on the waterfront lot line and the roadside lot line).
- B. **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.
- C. **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 Width: The mean horizontal distance between the side lines, measured at right angles to the side lot line. Where side lot lines are not parallel, the lot size shall be considered as the average of the width between such said lot lines measured parallel to the front lot line.



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M

Manufactured Home: see “[Dwelling, Manufactured.](#)”

Manufactured Housing Community: A parcel or tract of land under the control of a person upon which 3 or more manufactured homes are located on a continual, non-recreational basis and which is offered to the public for that purpose regardless of whether a charge is made, therefore, together with any building, structure, enclosure, street, equipment, or facility used or intended for use incident to the occupancy of a manufactured home.

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 or all of a building face and is constructed entirely of non-combustible materials.

Mobile Home: see “[Dwelling, Manufactured.](#)”

Mobile Home Park: see “[Manufactured Housing Community.](#)”

Mobile Home Site: see “[Manufactured Housing Community Homesite.](#)”

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.

Municipal Civil Infraction: An action or omission that violates a township ordinance that is not a misdemeanor, or a felony, for which, upon a finding of responsibility by a court of competent jurisdiction, the defendant may be ordered to pay fines, damages, expenses, and costs as authorized by law.

N

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

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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.

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 growing, harvesting, processing, and 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* roadside stand.

O

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

Outdoor Sales Facility. Includes open air sales, rental, or repair of the following: bicycles, utility trucks or trailers, motor vehicles, boats, home equipment, garages, recreation vehicles, recreational equipment, manufactured/mobile homes, snowmobiles, farm implements, swimming pools, and similar items.

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 use 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

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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 line shall be the ten (10) year flood limit line. On Lake Huron, the ordinary high water line is set by Michigan Great Lakes submerged lands act at 581.5 feet above mean sea level, per international Great Lake datum of 1985.

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

P

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 Space: An area exclusive of drives, aisles, or entrances giving access thereto, for the purpose of storage or parking of permitted vehicles on lots or parcels but not within a public highway or public or private road rights-of-way.

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 Alcona Township Board.

Permanent Soil Erosion Control Measures: Those control measures which are installed or constructed to control soil erosion and which are maintained after completion of the project.

Person: An individual, firm, corporation, association, partnership, limited liability company or other legal entity, or their agents.

Place of Worship: See “**Religious Institution**.”

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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 **2008 PA 33, (Michigan Planning Enabling Act)**, as amended. Refers to the Alcona 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 **1967 PA 288 (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 Zoning 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.

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

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

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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.

R

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

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

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

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, having suitable kitchen facilities connected therewith, containing conveniences for cooking and assortment of foods which may be required for ordinary meals, and deriving the major portion of its receipts from the sale of food.

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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 Alcona County Road Commission, State of Michigan, or the federal government.

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.

Rooming House: 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 indefinite periods of time and meals may be served for compensation.

S

Sanitary Landfill: A private or public landfill that meets all of the requirements of [Part 115 of 1994 PA 451](#), as amended and the rules promulgated under these Acts by the [State of Michigan](#).

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 Residence: A dwelling unit not normally the permanent residence of the occupant(s) and not normally used as a dwelling unit for more than six (6) months during the calendar year.

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

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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. Setback is measured from the lot line to the nearest point of the building or structure (including the eave).

Setback, Waterfront: The minimum required horizontal distance measured from the ordinary high water line 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; (8) nude model studio and similar establishments.

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

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

- C. **Adult Cabaret:** A nightclub, bar, restaurant, or similar commercial establishment that regularly features any of the following:
1. Persons who appear in a state of nudity;
 2. Live performances that are characterized by the exposure of Specified Anatomical Areas or by Specified Sexual Activities;

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- 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 or erotic dancing or performances that are intended for the sexual interests or titillation of an audience or customers.
- D. **Adult Motel:** A hotel, motel, or similar commercial establishment that:
- 1. Offers accommodation to the public for any form of consideration and provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, other photographic reproductions, or visual media that are characterized by the depiction or description of Specified Sexual Activities or Specified Anatomical Areas and has a sign visible from the public right of way that advertises the availability of any of the above;
 - 2. Offers a sleeping room for rent for a period of time that is less than twelve (12) hours; or
 - 3. Allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than twelve (12) hours.
- E. **Adult Motion Picture Theater:** A commercial establishment which for any form of consideration, regularly and primarily shows films, motion pictures, video cassettes, slides, or other photographic reproductions or visual media that are characterized by depiction or description of Specified Sexual Activities or Specified Anatomical Areas.
- F. **Adult Theater:** A theater, concert hall, auditorium, or similar commercial establishment that regularly features a person or persons who appear in a state of nudity or live performances that are characterized by exposure of Specified Anatomical Areas or by Specified Sexual Activities.
- G. **Escort Agency:** Any business, agency, or person who, for a fee, commission, hire, reward, or profit, furnishes or offers to furnish names of persons, or who introduces, furnishes, or arranges for persons, who may accompany other persons to or about social affairs, entertainments, or places of amusement, or who may consort with others about any place of public resort or within any private quarters.
- H. **Human:** Besides the customary meaning, the term “human” shall also include non-living anthropomorphic devices (resembling human), both physical and digital.
- I. **Nude Model Studio:** Any place where a person who displays Specified Anatomical Areas is provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any form of consideration, but does not include an educational institution funded, chartered, or recognized by the State of Michigan.

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- J. **Nudity or a State of Nudity:** Knowingly or intentionally displaying in a public place, or for payment or promise of payment by any person including, but not limited to payment of an admission fee, any individual's genitals or anus with less than a fully opaque covering, or a female individual's breast with less than a fully opaque covering of the nipple and areola. Public nudity does not include any of the following:
 - 1. A woman'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 **1984 PA 343**, being Section 752.362 of the Michigan Compiled Laws.
 - 3. Sexually explicit visual material as defined in Section 3 of **1978 PA 33**, being Section 722.673 of the Michigan Compiled Laws.

- K. **Specified Anatomical Areas:** Means and includes any of the following:
 - 1. Less than completely and opaquely covered.
 - a. Human genitals.
 - b. Pubic region.
 - c. Buttocks.
 - d. Female breast below a point immediately above the top of the areola.
 - 2. Human male genitals in a discernible turgid state even if completely or opaquely covered.

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

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

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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.

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

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.

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

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

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

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

D. **Sign Area:** 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 to display a message. Signs not exceeding one (1) square foot in area are excluded from this definition.

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

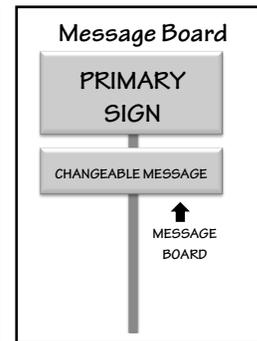
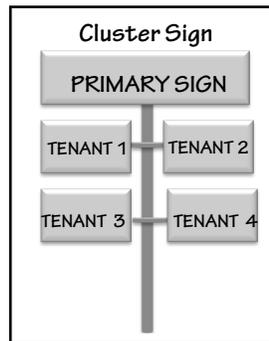
F. **Sign, Canopy:** Any sign attached to or constructed within or on a canopy.



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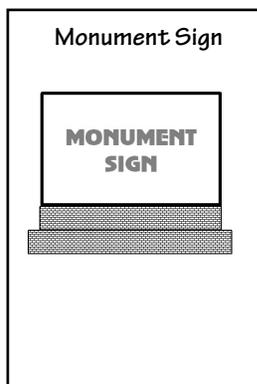
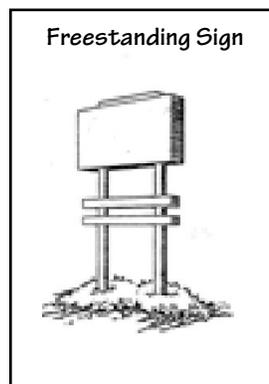
G. **Sign Clearance:** The smallest vertical distance between the grade of the adjacent street or street curb and the lowest point of any sign, including framework and embellishments, extending over that grade.

H. **Sign, Cluster:** An on-premises sign which identifies a complex of establishments on one parcel and contains multiple signs on one structure including one for each establishment and one for the complex as a whole.



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

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



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

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

M. **Sign, Ground Mounted:** A freestanding or monument sign.

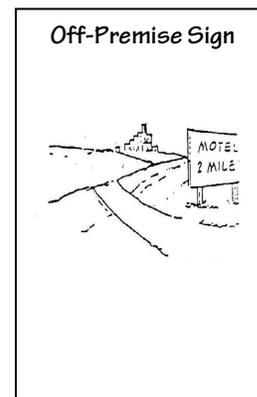
N. **Sign Height:** The vertical distance measured from the ground immediately beneath the sign to the highest point of the sign or its projecting structure.

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

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

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

R. **Sign, Off-Premise:** 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.

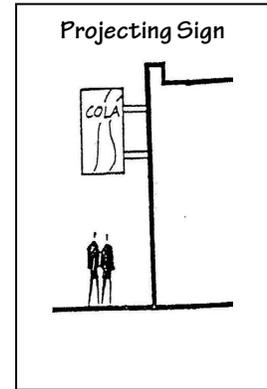
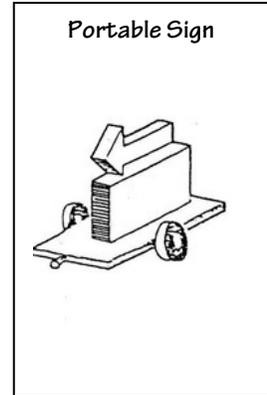


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S. **Sign, On-Premise:** A commercial sign relating in its subject matter to the premises on which it is located, or to activities, products, services, or accommodation of the immediate site.

T. **Sign, Portable:** 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.



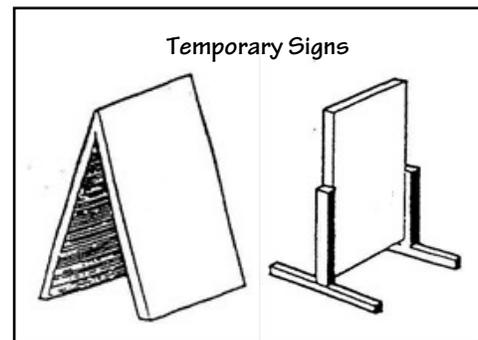
U. **Sign, Primary:** Any sign not designated an accessory sign or a message board and is used for the purpose of displaying primary information about the establishment.

V. **Sign, Projecting:** A sign that projects in a perpendicular manner from a structure (bracket sign) or is hung beneath a canopy (blade sign).

W. **Sign, Roof:** Any sign erected, constructed, and maintained wholly upon or over the roof of any building with the principal support on the roof structure.

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

Y. **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.

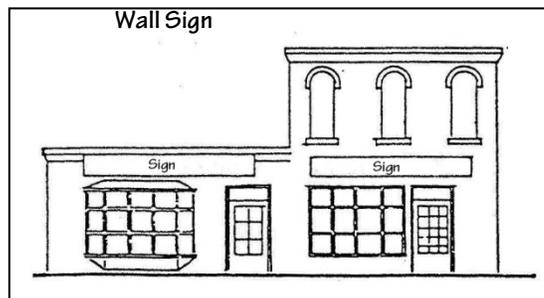


Z. **Sign, Temporary:** A sign that is intended to be displayed for a limited period of time and that is not affixed to the ground permanently and can be easily moved.

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AA. **Sign, Wall:** 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.

BB. **Sign, Window:** Any sign that is placed inside a window or upon the window panes or glass and is visible from the exterior of the window.



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.

Soil Conservation District Standards: Soil Conservation Service handbook.

Solar Definitions:

- A. **Solar Energy Facility (Utility Scale):** A facility designed to capture and utilize the energy of the sun to generate electrical power to meet utility-scale needs. A solar energy facility consists of solar collection devices used to collect solar rays and all associated ancillary and structural devices needed to support and convert/transmit the energy collected.
- B. **Solar Energy Panels (Accessory):** Solar collection devices designed to capture and utilize the energy of the sun to generate electrical power for use on-site. A solar collection device is the actual material(s) used to collect solar rays and all associated ancillary and structural devices needed to support and convert/transmit the energy collected. These devices may be either freestanding or attached to a structure and are an accessory use on the property.
 1. **Building-Integrated Accessory Solar Energy Panels:** Accessory solar energy panels that are an integral part of a primary or accessory building or structure (rather than a separate mechanical device), replacing or substituting for an architectural or structural component of the building or structure. Building-integrated systems include, but are not limited to, photovoltaic or hot water solar energy systems that are contained within roofing materials, windows, skylights, and awnings.

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- 2. **Ground-Mounted Accessory Solar Energy Panels:** Accessory solar energy panels mounted on support posts, like a rack or pole that are attached to or rest on the ground.
- 3. **Roof-Mounted Accessory Solar Energy Panels:** A solar energy system mounted on racking that is attached to or ballasted on the roof of a building or structure.
- C. **Maximum Tilt:** The maximum angle of a solar panel (i.e., most vertical position) for capturing solar radiation as compared to the horizon line.
- D. **Minimum Tilt:** The minimal angle of a solar panel (i.e., most horizontal position) for capturing solar radiation as compared to the horizon line.
- E. **Non-Participating Lot(s):** One (1) or more lots for which there is not a signed lease or easement for development of a solar energy facility associated with the applicant project.
- F. **Participating Lot(s):** One (1) or more lots under a signed lease or easement for development of a solar energy facility associated with the applicant project.
- G. **Repowering:** Reconfiguring, renovating, or replacing a solar energy facility to maintain or increase the power rating of the solar energy facility within the existing project footprint.

Special 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 is not specifically mentioned in this Ordinance and possesses a unique characteristic found to be not injurious to the health, safety, convenience and general welfare of the Township’s inhabitants.

Spot Zoning: A change in the zoning map (rezoning) that violates sound principles of zoning and is characterized by the following:

- A. The parcel is small in size relative to its surroundings; and
- B. The proposed rezoning confers benefits and privileges to the property owner which are not generally extended to property similarly located in the area; and
- C. The proposed rezoning allows uses are that are not compatible or consistent with uses in the vicinity; and
- D. The proposed rezoning does not comply with the current Master Plan.

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

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

State Licensed Residential Facility: A structure constructed for residential purposes that is licensed by the State pursuant to **1979 PA 218 (Adult Foster Care Licensing Act)**, as amended, being Sections 400.701 to 400.737 of the Michigan Compiled Laws, or **1973 PA 116 (Child Care Organizations)**, 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 individuals under twenty-four (24) hour supervision for persons in need of that supervision or care.

Story: That portion of a building included between the upper surface of any floor and the upper surface of the floor immediately above, except that the top story shall be that portion of a building included between the upper surface of the upper-most floor and the ceiling or roof immediately above. A basement shall be considered a full story only if fifty percent (50) or more of the vertical distance between the basement floor and the basement ceiling is above the ground level from which the height of the building is measured.

Story, half: An uppermost story lying between the top part of a full story and a sloping roof, provided said floor area does not exceed one-half (1/2) of the full story, contains at least one hundred sixty (160) square feet and has a minimum floor-to-ceiling clearance of 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.

Street: A public or private thoroughfare which affords the principal means of access to abutting property, but not an alley.

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, vehicles, sidewalks, parking areas, septic systems, and tanks are excluded from this definition.

Subdivision: The division of land, lot, tract, or parcel into two (2) or more lots, parcels, plats, sites, or other divisions of land for the purpose of sale, lease, offer, or development, whether immediate or future. The term shall also include the division of residential, commercial, industrial, agricultural, or other land whether by deed, metes and bounds description, lease, map, plat, or other instrument.

Swimming Pool: Any permanent, non-portable structure or container located either above or 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

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coverage.

T

Temporary Accessory Building or Structure: see “[Accessory Building or Structure, Temporary.](#)”

Temporary Building: A structure with no foundation or footings. See [§3.7](#).

Temporary Sign: see “[Sign, Temporary.](#)”

Temporary Soil Erosion Control Measures: Interim soil erosion control measures which are installed or constructed until permanent soil erosion controls are completed.

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.

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 definite periods of time. For the purpose of this Ordinance, the term “Tourist Home” also includes “[Bed and Breakfast Facility.](#)”

Township: Means Alcona Township, Alcona County, Michigan.

Township Board: Means the Alcona Township Board.

Travel Trailer: See “[Recreational Vehicle.](#)”

Travel Trailer Park: See “[Recreation Vehicle Park \(RV Park\).](#)”

U

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.](#)”

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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 principal building or use or for special events.

V

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

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

Vehicle Dealers - 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 Dealers - 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.

W

Wind Energy Definitions:

- A. **Ambient:** Ambient is defined as the sound pressure level exceeded ninety (90) percent of the time.
- B. **Anemometer:** A device used to measure wind speed.
- C. **dB(A):** The sound pressure levels in decibels. Refers to the "a" weighted scale defined by ANSI. A method for weighting the frequency spectrum to mimic the human ear.
- D. **Decibel:** The unit of measure used to express the magnitude of sound pressure and sound intensity.

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- E. **Hub Height:** The distance measured from the ground level to the center of the turbine hub.
- F. **Small On-Site Wind Energy Systems:** A wind energy conversion system consisting of a wind turbine (horizontal or vertical axis), a tower, and associated control or conversion electronics which has a rated capacity of not more than one hundred (100) kW and which is intended to primarily reduce on-site consumption of utility power.
- G. **Shadow Flicker:** Alternating changes in light intensity caused by the moving blade of a wind turbine casting shadows on the ground and stationary objects, such as window of a dwelling.
- H. **Sound Pressure:** Average rate at which sound energy is transmitted through a unit area in a specified direction. The pressure of the sound measured at a receiver.
- I. **Sound Pressure Level:** The sound pressure mapped to a logarithmic scale and reported in decibels (dB).
- J. **Wind Energy Facility (Commercial):** A power generating facility consisting of one or more wind turbines under common ownership or operation control, and includes substations, MET towers, cables/wires, and other buildings accessory to such facility, whose main purpose is to supply electricity to off-site customers.
- K. **Wind Turbine Generator:** A wind energy conversion system which converts wind energy into electrical energy. Includes a tower, pylon, or other structures including all accessory facilities
- L. **Wind Turbine Generator Total Height:** The distance between the ground and the highest point of the wind turbine generator including the top of the blade in its vertical position.

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 window if they are adjoining on the building face and are less than six (6) inches apart.

Wireless Communications: Any FCC-licensed or authorized wireless communication service transmitted through the airwaves over frequencies in the electromagnetic spectrum including, but not limited to, infrared line of sight, cellular, personal communications service (PCS), microwave, satellite, or radio signals.

- A. **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.

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- B. **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.
- C. **Co-Location:** The location of two (2) or more wireless communication facilities or antenna/equipment on a common structure, tower, or building, with the objective of reducing the overall number of structures required to support wireless communication antennas within the community.
- D. **Height.** When referring to a Wireless Communication Facility, height shall mean the distance measured from ground level to the highest point on the Wireless Communication Facility, including the antenna array.
- E. **Small Cell Wireless Facility.** A wireless facility that meets both of the following requirements:
 - 1. Each antenna is located inside an enclosure of not more than six (6) cubic feet in volume or, in the case of an antenna that has exposed elements, the antenna and all of its exposed elements would fit within an imaginary enclosure of not more than six (6) cubic feet.
 - 2. All other wireless equipment associated with the facility is cumulatively not more than twenty-five (25) cubic feet in volume. The following types of associated ancillary equipment are not included in the calculation of equipment volume: electric meters, concealment elements, telecommunications demarcation boxes, grounding equipment, power transfer switches, cut-off switches, and vertical cable runs for the connection of power and other services.
- F. **Wireless Communications Equipment.** The set of equipment and network components used in the provision of wireless communications services, including, but not limited to antennas, transmitters, receivers, base stations, equipment shelters, cabinets, emergency generators, power supply cables, and coaxial and fiber optic cables, but excluding wireless communications support structures.
- G. **Wireless Communication Facility.** A Wireless Communication Facility is any facility for the transmission and/or reception of wireless communications services, usually consisting of an antenna array, connection cables, an equipment facility, and a support structure. A Wireless Communication Facility also includes an antenna array attached to an existing building or structure.
- H. **Wireless Communication Facility (Ground-Mounted) – also called “Earth Station or Ground Station”.** A wireless communication facility in which the antenna array is mounted to the ground or other surface and which does not use a Wireless Communications Support Structure (tower).

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- I. **Wireless Communications Support Structure (also known as "Tower")**. Structures erected or modified to support wireless communication antennas. Support structures within this definition include, but shall not be limited to, monopoles, lattice towers, light poles, wood poles and guyed towers, or other structures which appear to be something other than a mere support structure.

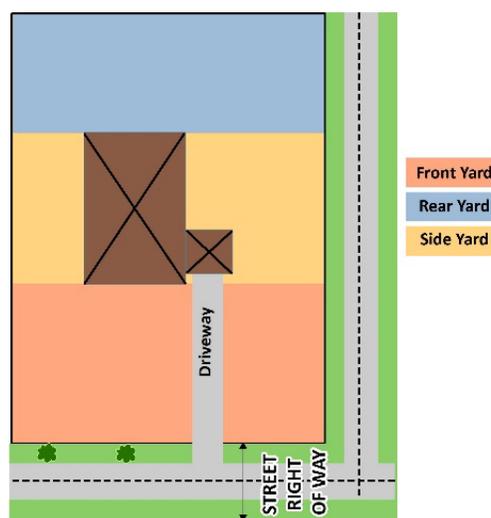
Y

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

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. On a lakefront lot, the front yard shall be that portion of the lot which lies between the building line of a dwelling unit and the ordinary high water line of the lake (front setbacks shall be met in the waterfront yard and the roadside yard).

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. On a lakefront lot, the rear yard shall be that portion of the lot which lies between the lot line furthest from the water's edge and the building line of a dwelling unit furthest from the ordinary high water line of the lake.



Yard, Waterfront: A yard, any part of which abuts on a lake, stream, or any other natural or artificial watercourse.

Z

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

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Zoning Board of Appeals.

Zoning Board of Appeals: As used in this Ordinance, the term "Board of Appeals" or "ZBA" 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.

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Article 3 General Provisions

Sec	Name	Pg	Sec	Name	Pg
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3.1	Conflicting Regulations	3-2	3.17	Recreational Vehicles/Travel Trailers	3-15
3.2	Lot-Building Relationship	3-3	3.18	Home-Based Businesses & Cottage Industries	3-16
3.3	Restoration of Unsafe Buildings/Barrier Free Modification	3-3	3.19	Fences & Walls	3-19
3.4	Continued Conformance with Regulations	3-3	3.20	Landscaping & Buffering	3-20
3.5	Accessory Structures	3-3	3.21	Parking & Loading Space Requirements	3-24
3.6	Waterfront Setback	3-6	3.22	Stormwater Retention	3-31
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3.8	Illegal Dwellings	3-8	3.24	Hazardous Substances	3-31
3.9	Moving Buildings	3-8	3.25	Salvage or Dumping of Motor Vehicles	3-32
3.10	Demolition of Buildings	3-8	3.26	Dumping of Materials	3-32
3.11	Projections	3-8	3.27	Excavation or Holes	3-32
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3.15	On Site Drainage & Runoff Requirements, Grading, & Soil Erosion Control	3-13	3.31	Pets & Livestock	3-43

Section 3.0 Application of Regulations

Zoning affects every structure and use and extends vertically (the airspace above). The provisions of this Article shall apply to all districts, except as noted herein. The following shall apply to all of Alcona 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, with the provisions and intent of the specific zoning district in which it is located, and a Zoning Permit has been obtained. Lawful nonconforming uses are subject to the provisions of [Article 6](#).

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- 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. No parcel may be divided in a manner which conflicts with the requirements set forth in the Michigan Land Division Act, as amended.
- 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 two (2) years from the effective date of this Ordinance for completion.

Section 3.1 Conflicting Regulations

Whenever any provision of this Ordinance imposes more stringent requirements, regulations, restrictions, or limitations than are imposed or required by the provisions of any other Township law or Ordinance, then the provisions of this Ordinance shall govern. Whenever the provisions of any other law or Ordinance impose more stringent requirements than are imposed or required by this Ordinance, then the provisions of such Ordinance shall govern. Where any provision of this Ordinance differs from any other provision of this Ordinance, the more restrictive requirement shall prevail.

The graphics, tables, and text used throughout this Ordinance are regulatory. In case of a conflict, text shall control over tables or graphics; tables shall control over graphics. Photographs and illustrations marked "example" or text marked "commentary" is not regulatory and is provided for illustrative purposes only.

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Section 3.2 Lot-Building Relationship

Hereafter, every building erected, altered, or moved shall be located on a 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 Zoning Administrator, Building Inspector, or Public Health Inspector.

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 [Americans with 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 Structures

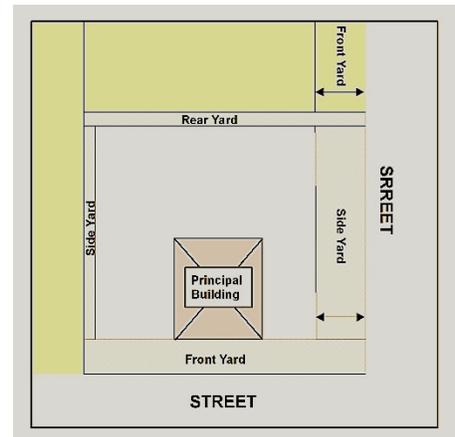
Accessory structures, except as otherwise permitted in this Ordinance, shall be subject to the following regulations:

- A. Authorized accessory 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. **Attached Accessory Structures:** Where any accessory structure is attached to a principal building by a roof, such accessory structure shall be considered part of the principal building for purposes of determining yard dimensions, regardless of whether the accessory building was constructed as a detached building and then attached.

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C. **Accessory Structures on Corner Lots:** When an accessory structure is located on a corner lot, the side lot line of which is substantially a continuation of the front lot line on the lot to its rear, said building shall not project beyond the front yard setback line required on the lot in the rear of such corner lot.



D. **Accessory Structures in Front Yards:** Except for §3.5 (D) (1) and §3.5 (F), all accessory structures for single- and two-family dwellings shall be located in the rear yard of the lot except when attached to the principal building. Detached garages when used exclusively for housing automobiles for the main dwelling will be permitted in the side yard area; however, all setback requirements must be met. Accessory structure location in multiple-family dwellings will be reviewed as part of the site plan review process.

1. Detached garages shall be permitted in the front yard in the following districts: AG, FR, and R-2.

E. **Setbacks of Accessory Structures:**

1. **Non-Waterfront Property:** No detached accessory structure shall be located closer than forty (40) feet to any street right-of-way line nor shall it be located closer than ten (10) feet to any side or rear lot line.
2. **Waterfront Property:**
 - a. **Front Yard (Waterfront):** No building shall be constructed closer than forty (40) feet from the ordinary high water line except for the following:
 - (1) Pump houses will be permitted closer than forty (40) feet if no more than thirty-six (36) square feet in size and not more than five (5) feet in height.
 - (2) Where needed for lake access, stairways and landings shall be permitted within the waterfront setback. Such structures shall meet state and local building safety codes. Decks are also permitted within the waterfront setback but must not exceed twelve (12) inches above ground level at the side away from the lake front. Necessary safety railings are permitted.
 - (3) Boathouses, not in excess of ten (10) feet in height above average ground level may also be permitted closer than forty (40) feet from the water line with a State of Michigan Permit.

- b. **Side and Streetside Lot Lines:** No accessory structure shall be constructed closer than ten (10) feet from any side lot line or forty (40) feet from any street right-of-way line.
 - (1) **Docks, Boat Hoists, and Launch Ramps.** Side setbacks also apply to docks, boat hoists, and launch ramps on residential property. Recognizing that docks and boat hoists, by their seasonal nature, are typically removed at the end of the summer season each year, docks which are being reinstalled for the season on a lot where they previously existed, which did not meet the ten (10) foot required setback, shall not be located closer to the abutting lot line than it was placed the previous year. If a dock or boat hoist is being enlarged, it shall be required to meet the ten (10) foot setback.
- c. See [§3.6 Waterfront Setback](#).
- F. **Gazebos:** A gazebo must be an open (“see-through”) structure with no length or width dimension exceeding fifteen (15) feet; the height must not exceed fifteen (15) feet.
 - 1. **Gazebos on Waterfront Property:** Gazebos are permitted in the front yard (waterfront side) or rear yard on waterfront property not closer than forty (40) feet from the ordinary high water line and street side lot line or ten (10) feet from the side property lines.
 - 2. **Gazebos on Non-Waterfront Property:** Gazebos are permitted in the front yard or rear on non-waterfront property but must meet the setback requirements (forty (40) feet from the front property line and ten (10) feet from the side or rear property line).
- G. **Accessory Building Height:** For one- and two-family dwellings, no detached accessory building shall exceed twenty-four (24) feet in height. There shall be no height regulations for uses other than one- and two-family dwellings.
- H. A detached accessory building shall not be located nearer than ten (10) feet to the principal building.
- I. **Floor Area:** The floor area of each accessory structure located on a lot where the principal structure is a one- or two-family dwelling, including accessory pole barns, shall not exceed the square footage of the ground floor area of the principal residential structure. This requirement shall not apply to farm-use buildings.
- J. **Accessory Buildings as Storage:** Truck bodies, school bus bodies, manufactured homes, travel trailers/RVs, shipping containers, or other items built and intended for other uses shall not be used as accessory buildings. Semi-trailers may be used as temporary storage for commercial, industrial, or agricultural establishments for periods of one (1) year or less but are not intended for permanent storage.

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- K. **Accessory Building as a Dwelling:** No detached accessory building or structure (including boathouses) shall be used for dwelling purposes. Approved secondary dwelling units as a Special Land Use shall be the exception.
- L. **Wind Turbines:** Wind turbines are regulated by §9.26.
- M. **Accessory Structures without a Principal Building.** In the FR (Forest Recreation) District, accessory structures located on a lot without a principal building shall require a Special Land Use permit. §3.5 (C, E, G, J, and K) shall apply. Accessory structures without a principal building are not permitted in all other districts.

Section 3.6 - Waterfront Setback

To preserve community scenic and recreational values, a waterfront setback no less than forty (40) feet as measured from the ordinary high water line of a lake or stream shall be established and maintained on all waterfront lots. Within the waterfront setback area, the following development or use restrictions shall apply:

- A. No structures will be permitted in the waterfront setback except:
 - 1. Accessory structures referred to in §3.5 (E)(2).
 - 2. Structures related to use of the water such as boat launches, pump houses, docks, or boathouses. Docks and boat launches on residential property are required to meet side setbacks. See §3.5 (E)(2).
 - 3. Wind Turbines as regulated by §9.26.
- B. No burning of leaves or stockpiling of grass, leaves, or compost is allowed in the waterfront setback.
- C. Setbacks for septic systems must meet those minimum requirements set by the **District Health Department**.
- D. No dredging or filling can occur in the waterfront setback without a Soil Erosion and Sediment Control Permit and applicable permits from the appropriate governing entity.
- E. The waterfront setback shall be shown on the plot plan or site plan filed with the Zoning Administrator.

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Section 3.7 - Temporary Buildings

A. **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 **§3.7(B)** 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/RV, 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.

B. **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, manufactured 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:

1. The location shall conform to the provisions governing setbacks of standard dwellings in the district where located. The Zoning Administrator has the authority to waive these setbacks in cases where it is not feasible for them to be met.
2. 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. Permanent residential use of the temporary dwelling shall not be permitted. 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.
3. Required water and sanitary facilities will be determined by the **District Health Department** and shall precede occupancy of the temporary dwelling.

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- 4. On approval and delivery of the temporary dwelling Zoning Permit, the applicant shall certify in a space allotted for that purpose, and on the copy retained for filing by the township, that the applicant has full knowledge of the limitations of the permit and the penalty pertaining thereto. No such permit shall be transferable to any other person.
- 5. No additions shall be constructed to temporary dwellings.

Section 3.8 – Illegal Dwellings

The use of any portion of a basement or partially completed structure shall not be occupied for dwelling purposes unless the structure conforms to the current building code utilized by **Alcona County**. Garages, accessory buildings, motor homes, travel trailers/RVs, trucks, buses, or other such portable structures shall not be occupied for permanent dwelling purposes except as otherwise allowed in this Ordinance.

Section 3.9 - Moving Buildings

The moving of a building to a different location shall be considered the same as the 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 within or into Alcona Township without first obtaining a Zoning Permit from the Zoning Administrator.

Section 3.10 - Demolition of Buildings

The demolition of buildings shall be completed under conditions that may be specified by the Alcona County Building Official deemed necessary to protect the public health, safety, and welfare. Demolished buildings shall be inspected by the Alcona County Building Official.

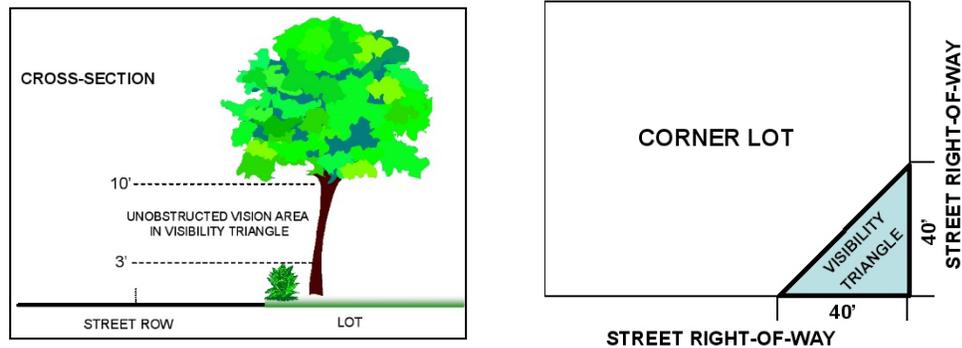
Section 3.11 – Projections

- A. Any projection that is raised above ground-level shall be subject to principal building setbacks including but not limited to the following: decks, balconies, porches, chimneys, eaves, gutters, fire escapes, outside stairways. Accessory building are subject to setbacks in **§3.5**.
- B. Structures that are ground-level including driveways, walkways, sidewalks, and patios are not subject to setbacks.

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Section 3.12 - Intersection Visibility & Street Rights-of-Way

On any corner lot, 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 forty (40) 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 3.13 - Essential Services

The erection, construction, alteration, maintenance, and operation by public utilities or municipal departments or commissions, of overhead or underground gas, electrical, steam or water distribution, transmission systems, collection, supply systems, including mains, drains, sewers, pipes, conduits, wires, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, poles, electrical substations, gas regulation stations, and other similar equipment and accessories in connection therewith, reasonably necessary for the furnishing of adequate service by such public utility or municipal department or commission or for the public health or safety or general welfare, shall be permitted as authorized or regulated by law and other Ordinances of Alcona Township in any use District, provided that the above meet the setback and dimensional requirements of the respective districts and the Zoning Administrator is notified at least sixty (60) days prior to any major construction, and provided a Zoning Permit is obtained. Electrical substations shall comply with the fencing provisions of §3.19 of this Ordinance. The essential services addressed in this section must also meet all regulations and requirements of the authority having jurisdiction over the road.

Wireless facilities, alternative tower structures, antennas, wind turbine generators, and anemometer towers shall be regulated and permitted pursuant to this Ordinance and shall not be regulated or permitted as essential services, public utilities, or private utilities.

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Section 3.14 – Sanitary Waste Systems

A. All water and sewer services shall be in compliance with the **District Health Department's** rules and the **State of Michigan** Laws. Outside toilets shall not be permitted in Alcona Township except in designated park areas and portable toilets on a temporary basis.

B. Septic System Regulations for Alcona Township:

1. **Purpose:** In order to prevent or minimize nutrient pollution problems and avoid health risks associated with waterborne disease, the proper construction, operation, and maintenance of on-site sewage disposal system is necessary, and is declared to be a public purpose.

2. **Evaluation of Septic System Prior to Sale:** The owner of a dwelling unit or premise located in Alcona Township shall not sell or transfer ownership of the dwelling unit or premise unless and until the owner has requested the district health officer to evaluate the existing on-site sewage disposal system and the full results thereof have been furnished in writing to the prospective buyer or transferees as part of the land transaction.

a. **The term sell or transfer** as used in this Section shall include all instances where another party succeeds to the interest of the owner, whether or not the transaction is voluntary, whether it occurs during the owner’s life or as result of his death, whether or not the owner retains land contract, mortgage, or other security interest in the property, and whether or not the owner retains a reversionary interest therein. The terms shall exclude any instances where the owner retains a life estate, or any interest as a joint tenant or tenant by the entirety. The terms shall also exclude any instance where the owner retains the right to use and benefit from the property during his life, and any instance where the owner has a guardian, conservator, or other fiduciary appointed by a court to manage his affairs.

b. The **evaluation** shall consist of a determination that the on-site sewage disposal system is or is not in substantial conformance with the standards of this Ordinance. The term “substantial conformance” shall mean that there shall not be more than minimal likelihood of water quality degradation by improper or malfunctioning sewage disposal systems. In making this determination, the following criteria shall be considered.

- 1) Vertical isolation distance between the seasonally high groundwater table and the point of sewage discharge.
- 2) Isolation distance from surface water or wetlands, as defined by federal, state, county, and township law and regulations.
- 3) Isolation distance between sewage system and drinking water wells as defined by federal, state, county, and township law and regulations.

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- 4) On-site conditions of the property, but not limited to soil types, groundwater elevation and flow, site topography, and slope.
 - 5) Whether the sewage system meets the construction and design criteria, including size and capacity requirements established in the state or district health department’s code and regulations, as now or hereafter amended.
 - 6) Lot size and usable area for on-site sewage disposal system.
 - 7) Operational condition of the existing sewage disposal system.
 - 8) Proof that the septic tank has been checked and pumped out if needed within the past three (3) years, as shown by a signed and dated service receipt from a licensed waste hauler.
3. **Classification:** On-site sewage disposal systems located in Alcona Township shall be classified as either “Class 1” Or “Class 2”. “Class 1” indicates a system constructed on or before the adoption of the sanitary code in 1972, or a sewage disposal system constructed at any time without permit or approval by the District Health Department, or a system where the age or approval status cannot be reliably determined. “Class 2” indicates a system constructed, approved, and placed into operation after the adoption of the sanitary code in 1972, or a system which has been evaluated under the provisions of [§3.14 \(B\)\(2\)\(b\)](#) and found to be in substantial conformance with this Ordinance, or a system which has been upgraded under the provisions of [§3.14 \(B\)\(4\)](#) to bring it into substantial conformance with standards in this Ordinance. A search of the septic tank permit files shall be conducted by the district health department office to determine which properties meet Class 1 or Class 2 designation.
4. **Corrective Action:** If upon notice of sale or transfer per [§3.14 \(B\)\(2\)](#) it is determined by the district health officer, based on an on-site inspection and/or a record inspection, that the system is not in substantial conformance as defined in [§3.14 \(B\)\(2\)\(b\)](#), written notice of this fact shall be made to the owner and prospective purchaser or transferee by Alcona Township and the system shall be brought into substantial conformance as follows:
- a. **On receipt of notice regarding nonconformance**, the owner, if living, or the transferee, if the owner is not living, shall submit to the District Health Department within thirty (30) days a plan of corrective action for review and approval. All necessary corrective action shall be completed within one hundred twenty (120) days of plan approval. A construction time extension not to exceed sixty (60) days may be granted if weather conditions prohibit completion within the initial one hundred twenty (120) day period.
 - b. **Before the completion or closing of any real estate transaction** involving property located in Alcona Township, the owner, if living, or the transferee, if the owner is not

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living, shall notify Alcona Township that the property is served by a sewage disposal system either in substantial conformance with the Ordinance or shall submit proof of a contract to bring the system into conformance along with a surety bond issued by an insurance company authorized to do business in the State of Michigan. Any contract for corrective work shall include provisions for completion within one hundred twenty (120) days of property sale or transfer.

5. **Off-Site, Jointly Used, or Alternative Sewage Disposal System:** Nothing in this Ordinance shall prevent the use of off-site sewage disposal systems or joint use ownership of a sewage disposal system as long as such systems are in substantial conformance with the standards of this Ordinance and each affected property owner has written legally enforceable rights or easements for use of such system. The written instrument establishing the right to system use shall be furnished as part of the evaluation described in §3.14(B)(2) or on request of the Alcona Township or District Health Officer for the purpose of carrying out this Ordinance. Nor shall this Ordinance be interpreted to prevent use of alternative on-site wastewater disposal systems including but not limited to chemical, composting, or incinerating toilets, or alternative septic system designs such as mound systems or dozing systems, providing such systems are reviewed and approved by the District Health Officer for use on the site in question.

6. **Enforcement:**

- a. For the purposes of enforcement, existing septic systems regulated under §3.14 of this Ordinance shall not be regulated as a nonconforming use but shall instead be held to the criteria and standards established in §3.14 of this Ordinance.
- b. Any violation of this Section is a violation of Alcona Township Zoning Ordinance and as such is subject to administrative and enforcement procedures set forth in Article 10 of the Ordinance.
- c. In addition to these enforcement means, and in event of noncompliance with any provisions of §3.14, Alcona Township shall record an affidavit concerning status of the sewage disposal system with the Alcona County Register of Deeds setting forth the fact that the property in question may not be served by a sewage disposal system in substantial conformance with this Ordinance.

C. **Permitted Industrial Uses:** 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.

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Section 3.15 – On Site Drainage and Runoff Requirements, Grading, & Soil Erosion Control

- A. **Purpose:** The purpose of this Article is to prevent soil erosion and sedimentation from occurring as a result of nonagricultural development by requiring proper provisions for water disposal and the protection of soil surfaces during and after construction, in order to promote the safety, public health, and general welfare of the community.
- B. **Compliance with §3.15:** No site plan shall be approved unless said site plan includes soil erosion and sediment control measures consistent with the requirements of this article. No Zoning Permit shall be issued unless the applicant for said certificate shall have obtained a certificate of compliance indicating compliance with all grading plans and specifications and completion of permanent soil erosion control measures.

Permits shall not be issued where:

- 1. The work as proposed by the applicant will damage or interfere with any existing drainage course in such a manner as to cause damage or inconvenience to any adjacent property or result in the depositing of debris or sediment on any public way or into any waterway or create an unreasonable hazard to persons or property, or
- 2. The land area for which the grading is proposed is subject to geological hazard to the extent that no reasonable amount of corrective work can eliminate or sufficiently reduce settlement, slope instability, or any other such hazard, or
- 3. The land area for which the grading is proposed may lie within the flood plain of any stream or watercourse not specifically designated and delineated by the Planning Commission as an area subject to flood hazard, unless a hydroponics report, prepared by a professional engineer, is submitted to certify that the proposed grading will have, in his/her opinion, no determined influence on the public welfare or upon the total development of the watershed.

C. **General Requirements:**

- 1. Any earth changes shall be conducted in such a manner so as to effectively reduce accelerated soil erosion and resulting sedimentation.
- 2. All persons engaged in earth changes shall design, implement, and maintain acceptable soil erosion and sedimentation control measures in conformance with the **Natural Resources and Environmental Protection Act, 1994 PA 451, Part 91 (Soil Erosion and Sedimentation Control)** and all official rules of the State of Michigan promulgated pursuant thereto, which effectively reduce accelerated soil erosion.

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3. All earth changes shall be designed, constructed, and completed in such a manner so that the exposed area of any disturbed land shall be limited to the shortest possible period of time.
 4. Sediment caused by accelerated soil erosion shall be removed from runoff water before it leaves the site of the earth change.
 5. Any temporary or permanent facility designed and constructed for the conveyance of water around, through, or from the earth change area shall be designed to limit the water flow to a non-erosive velocity.
 6. Temporary soil erosion control facilities shall be removed and earth change areas graded and stabilized with permanent soil erosion control measures pursuant to approved standards and specifications as prescribed by the State of Michigan rules.
 7. Permanent soil erosion control measures for all slopes, channels, ditches, or any disturbed land area shall be completed within 60 calendar days after final grading or the final earth change has been completed. When it is not possible to permanently stabilize a disturbed area after an earth change has been completed or where significant earth change activity ceases, temporary soil erosion control measures shall be implemented within 30 calendar days. All temporary soil erosion control measures shall be maintained until permanent soil erosion control measures are implemented.
- D. **Maintenance Requirements:** Persons carrying out soil erosion and sediment control measurements under this Section, and all subsequent owners of property concerning which such measures have been taken, shall maintain all permanent erosion control measures, retaining walls, structures, planting, and other protective devices.
- E. **Minimum Design Standards for Erosion and Sediment Control:** All grading plans and specifications including extensions of previously approved plans shall include provisions for erosion and sediment control.
- F. **Exceptions:** This Section does not apply to land on which a person, partnership, or corporation is engaged in the industry generally referred to as logging, or is engaged in the industry generally referred to as mining or the plowing or tilling of land for the purpose of crop production or the harvesting or crops.

Section 3.16 Manufactured Homes on Individual Lots or Parcels

A manufactured 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:

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- A. Manufactured homes shall be attached to an approved permanent foundation or basement and shall be anchored using a system that meets the **Michigan Manufactured Housing Commission** requirements.
- B. The wheels, axles, and towing assembly shall be removed from a manufactured home before the unit is attached to the foundation. Additionally, no manufactured home shall have any exposed undercarriage or chassis.
- C. Manufactured homes shall be installed according to the 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. Manufactured homes shall not be attached to each other. Additions, new roofs, and accessory buildings may be attached to a manufactured home.
- E. No person shall occupy a manufactured home as a dwelling within Alcona Township until a certificate of compliance with the HUD Code has been issued by the Alcona Township Building Official.
- F. No manufactured home shall be located or placed in Alcona 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. Manufactured homes shall not be used as accessory buildings.
- H. No unoccupied manufactured home shall be stored on any lot or parcel in Alcona Township.

Section 3.17 - Recreational Vehicles/Travel Trailers

- 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. Travel trailers or recreational vehicles 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 permanent/continuous dwelling purposes.

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- 5. The open storage of a travel trailer or recreational vehicle shall not occur on vacant or unimproved property, except as provided in §3.17(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 15 consecutive days and not more than a total of thirty (30) 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. Water and electrical services may be connected; however, no sewage or on-site disposal allowed without a Health Department-approved septic system. Any such shelter, when not occupied, shall be moved off-site.

Section 3.18 – Home-Based Businesses & Cottage Industries

While Alcona 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-Based Businesses 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-Based Businesses:

- 1. **Approval:** Home-Based Businesses are permitted in all zoning districts in which single-family dwellings are permitted as a matter of right. A Zoning Permit is required.
- 2. **Floor Area:** Home-Based Businesses may be operated entirely within the dwelling or accessory building. No more than twenty-five (25) percent of the dwelling’s ground floor area shall be devoted to the Home-Based Business. The entire floor area of an attached or detached accessory building may be utilized for a Home-Based Business.
- 3. **Additions:** Additions to a dwelling for the purpose of conducting a Home-Based Business 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.
- 4. **Subordinate Use:** Home-Based Businesses 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.

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5. **Residential Character:** Home-Based Businesses shall not alter the exterior of the property or affect the residential character of the neighborhood.
6. **Nuisance:** Home-Based Businesses shall not result in the creation of conditions that would constitute a nuisance to nor shall endanger the health, safety, and welfare of neighboring property owners or surrounding zoning districts by reasons of noise, noxious odor, unsanitary, or unsightly conditions, fire hazards and the like. Any machinery, mechanical devices, or equipment employed in the conduct of a Home-Based Business 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:** Traffic and delivery or pickup of goods shall not exceed that normally created by residential uses.
8. **Outdoor Storage:** The outdoor storage of goods and/or materials of any kind is prohibited.
9. **Parking:** There shall be no parking permitted within any setback areas.
10. **State and Federal Law:** 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. **Approval:** Cottage Industries are permitted as a Permitted Use in any Zoning District in which single-family dwellings are permitted as a matter of right. Cottage Industries require Planning Commission approval. 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.
2. **Subordinate Use:** 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. **Floor Area:** A Cottage Industry shall occupy not more than one building. The floor area of such buildings shall not exceed twenty-four hundred (2,400) square feet.
4. **Outdoor Storage:** 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 Zoning Administrator.

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- 5. **Nuisance:** Cottage Industries shall not result in the creation of conditions that would constitute a nuisance to nor shall endanger the health, safety, and welfare of neighboring property owners and surrounding zoning districts by reasons of noise, noxious odor, unsanitary, or unsightly conditions, fire hazards and the like. 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:** Traffic and delivery or pickup of goods shall not exceed that normally created by residential uses.
- 7. **Parking:** 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.

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-Based Business 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-Based Business or Cottage Industry and to the owner of the real property premises, if different from the operator of the Home-Based Business or Cottage Industry. The operator shall be afforded the opportunity to appear at a public hearing before the Planning Commission to present his or her case. The hearing notice procedures shall be the same as those for a Special Land Use.
- 4. Following the public hearing, the Planning Commission shall make a decision about the alleged violation based on specific written and recorded findings of fact. 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 if the activity is found to be in conflict with provisions of this Section.
- 5. Proposed revisions or additions to a Home-Based Business or Cottage Industry shall constitute a change of use and shall be subject to new permit approval.

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Section 3.19 - Fences & 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, wall, or hedge shall exceed a height of six (6) feet in the side and rear yards and three (3) 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, walls, or hedges installed, constructed, or planted 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. Fence and walls in a side or rear yard must be set back one (1) foot from the property line. Fences and walls may be located on the lot line in the side or rear yards if a prearranged agreement is signed by both abutting property owners. Said agreement shall not terminate upon sale of the property.
- B. Fences in any platted subdivision or site condominium development shall not contain barbed wire or be electrified.
- C. Fences shall be constructed with materials which are typically commercially designed for fence construction. Materials that are not typically designed for fence construction are prohibited.
- D. 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.
- E. Swimming Pools: Yard areas with private pools are to be fenced to discourage unauthorized access. 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.
- F. 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.
- G. 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.

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- H. 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.
- I. Fences and walls used to separate residential uses from non-residential uses shall follow the regulations in §3.20 (G).

Section 3.20 - Landscaping & Buffering

It is the intent of this Section to require landscape screening to minimize visual impacts of commercial and industrial 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. The Planning Commission will use the following requirements listed in subsections A. through H. as a guideline for approving the site plan. Deviations may be permitted but must meet the intent of this Section.

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 Landscape 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. 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. **Minimum scale:** Same scale as required for site plan.
3. Existing and proposed contours on-site and one hundred fifty (150) feet beyond the site at intervals not to exceed two (2) feet.
4. Typical straight cross-section including slope, height, and width of berms and type of ground cover, or height and type of construction of wall or fence, including footings.
5. Significant construction details to resolve specific site conditions, such as tree wells to preserve existing trees or culverts to maintain natural drainage patterns.

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6. Planting and staking details in either text or drawing form to ensure proper installation and establishment of proposed plant materials.
7. Identification of existing trees and vegetative cover to be preserved.
8. Identification of grass and other ground cover and method of planting.
9. Identification of landscape maintenance program including statement that all diseased, damaged, or dead materials shall be replaced in accordance with standards of this Ordinance.

C. Parking Lot Landscaping:

The Planning Commission may alter the following standards pertaining to parking lot landscaping based upon the individual circumstance during the site plan review process.

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, with minimum landscaped space within a designated parking area of fifty (50) square feet. 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.
2. Individual landscaped areas shall be a minimum of eighteen (18) feet wide and three hundred twenty-four (324) square feet in area.
3. Parking lot landscaping shall be so designed to provide directional guidance to drives, including ingress, egress, and interior circulation.

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 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.

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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. Minimum plant sizes at the time of installation:

Deciduous Canopy Trees	2 ½" caliper
Deciduous Ornamental Trees:	2" caliper
Evergreen Tree:	6' height
Deciduous Shrub:	2' height
Upright Evergreen Shrub:	2' height
Spreading Evergreen Shrub:	18" – 24" spread

- e. 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.
- f. The plant material shall achieve its horizontal and vertical screening effect within four (4) years of initial installation.

2. Minimum Standard for Berms:

- a. Berms shall be constructed so as to maintain a side slope not to exceed a one foot (1) rise to a three feet (3) run ratio.

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- 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 and Protective Screening:

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 or residential use. The specifications of the protective screening shall be submitted as part of the site plan. Some exceptions to these requirements applying to more intense Special Land Uses may be contained in [Article 9: Supplemental Regulations](#).

- 1. **Width of Landscape Buffers:** Landscape buffers (greenbelts) shall be at least ten (10) feet in width.
- 2. **Height of Landscape Buffers:** Height of landscape buffers shall be no less than eight (8) feet for trees and four (4) feet for shrubs.
- 3. **Height of Protective Screening (Fences and Walls):** Height of fences or walls shall be no less than six (6) feet.

H. Installation and Maintenance:

- 1. All landscaping and landscape elements shall be planted, and earth moving or grading performed 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.

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Section 3.21 - Parking & Loading Space Requirements

In all Zoning Districts, off-street parking requirements for the storage and parking of self-propelled motor vehicles for the use of occupants, employees, and patrons of the buildings hereafter erected, altered, or extended after the effective date of this Ordinance shall be provided as herein prescribed. Such space shall be maintained and shall not be encroached upon by buildings, structures, open-air businesses or outdoor commercial recreation uses so long as said principal buildings or structure remains unless an equivalent number of such spaces are provided elsewhere in conformance with the Ordinance.

A. Parking Requirements:

1. **Fractional Spaces:** When units or measurements determining the number of required parking spaces result in the requirement of a fractional space, any fraction up to and including one-half shall be disregarded, and fractions over one-half shall require one parking space.
2. **Residential:** The off-street parking facilities required for residential dwellings shall be located on the same lot or plot of ground as the dwellings they are intended to serve, behind the front setback line, and shall consist of a parking strip, parking apron, driveway, carport, and/or garage or some combination thereof.
3. **Non-Residential:** The off-street parking facilities required for uses other than residential shall be located on the lot or other lots within five hundred (500) feet for industrial districts and three hundred (300) feet for all other districts. Such distance is to be measured along lines of public access to the property between the nearest point of the parking facility to the nearest point of the building to be served.
4. **Loading Space:** Loading space as required elsewhere in this Ordinance dealing with off-street loading requirements shall not be construed as also supplying off-street parking space.
5. **Changes:** 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 Alcona Township Planning Commission in accordance with [Article 7](#) of this Ordinance.
6. **Existing Parking:** 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.

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7. **Collaborative Parking:** 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) 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.
8. **Time Limit:** Except when land is used as storage space in direct connection with the business of a repair or service garage, a twenty-four (24) hour time limit for parking in non-residential off-street parking areas shall prevail.
9. **Storage of Vehicles and Merchandise:** It shall be unlawful to park or store any motor vehicle on any private property without the expressed or implied consent of the owner, holder, occupant, lessee, agent, or trustee of said private property. The storage of merchandise, the storage of inoperable or partially dismantled vehicles, vehicles for sale, trucks, or the repair of vehicles is prohibited on required off-street parking lots.
10. **Parking Lot Deferment:** Where the property owner can demonstrate that the required amount of parking is excessive or where there will be a dual function of parking spaces between two uses where operating hours do not overlap, 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 if needed 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.
11. **Excessive Parking Space:** 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.
12. **Uses Not Mentioned:** For those uses not specifically mentioned, the requirements for off-street parking facilities shall be in accordance with the use which the Planning Commission considers to be similar in type.

B. General Standards:

1. Plans for the development of any parking lot shall be submitted as part of the site plan to the Township Zoning Administrator and must be approved by said Zoning Administrator prior to

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the start of construction. The construction of the entire parking lot shall be completed to the satisfaction of the Zoning Administrator. In the event that, owing to inclement or cold weather conditions, said parking lot cannot be improved, a six-month temporary Certificate of Occupancy can be issued by the Zoning Administrator provided a cash deposit or bank letter of credit is deposited with the Township Treasurer equivalent to ten percent of the cost of construction of the parking lot, as determined by the Zoning Administrator, which deposit or bond shall be forfeited if said parking lot is not fully completed within said six-month period.

2. Adequate points or means of ingress and egress shall be provided and shown in the plan submitted.
3. Such parking lots shall be surfaced with concrete, asphalt, or crushed rock materials and maintained in a usable dust proof condition, and shall be graded and drained adequately.
4. All illumination (lighting) for off-street parking areas shall be installed in such a manner as not to concentrate light in a disturbing manner upon adjacent structures.
5. Plans for the layout of off-street parking facilities shall be in accordance with the following minimum regulations:

C. Specific Standards:

1. **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	Total Width of 2 Parking Stalls Plus Maneuvering Aisle
0 degrees (parallel parking)	12'	8.5'	24'	29' (one-way)
				32' (two-way)
Up to 53 degrees	13'	9'	21'	55' (one-way)
54 – 74 degrees	18'	9'	22'	62' (one-way)
75 – 90 degrees	24'	9'	20'*	44' (one-way)

* 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.

2. **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

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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.

- 3. **Number of Parking Spaces:** The number of off-street parking spaces shall be in accordance with the following schedule:

Residential Parking Requirements

Use	Requirements
One-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
Manufactured homes	2 for each manufactured 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 bed
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
Churches, temples, or similar places of worship; theaters, auditoriums, and assembly buildings; stadiums, sports arenas, or similar places of outdoor assembly	1 space for each 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	1 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. If no such auditorium exists, then one space per classroom in addition to that for each teacher, employee or administrator.
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. In addition, one for every 10 students.

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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 3 persons allowed within the maximum occupancy load as established by city, county, or state fire, building, or health codes
Hospitals	1 for every 2 beds, one for each doctor, one for every two employees, plus one for every 1,000 square feet of treatment area.

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 guest bedroom 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

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A. 1 to 15,000 square feet GLA	service bay, window, or pedestal
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 3 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
Auto 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
Motor vehicle 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

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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
Industrial Establishments	One for every 1 ½ employees based on the greatest number of persons employed at any one period during the day or night.
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.
Dance Halls, Exhibition Halls, Pool Halls, Billiard Parlors and Assembly Halls without fixed seats	1 per every 2 persons allowed within the maximum occupancy load.
Golf Courses	5 per hole, plus one for each employee

Note 1: Any change of use shall be required to meet the parking requirements for the revised use, and obtain approval of such.

Note 2: Square footage refers to “Usable Floor Area”

D. 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 3.22 - 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 years (ten-year design storm).

Section 3.23 - 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-year intervals.

Section 3.24 - Hazardous Substances

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

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Section 3.25 - 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 junkyard. 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 3.26 - 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 as properly sealed and adequately concealed materials:
 - 1. Such practices are a necessary accessory use to a permitted agricultural use.
 - 2. Such practices occur in a junkyard 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:** 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 hazardous substances and/or nuclear wastes shall not be allowed within Alcona Township, except as permitted by [1978 PA 113](#), State of Michigan.

Section 3.27 Excavation or Holes

The construction, maintenance, or existence of unprotected or unbarricaded holes, pits, wells, building pads, or similar excavations which cause, or are likely to cause a danger to life, health, and safety to the general public shall be prohibited. This Section shall not, however, prevent any excavation which is required for the construction, remodeling, or expansion of structures, or industrial

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or farming operations, provided appropriate precautionary measures, such as the placement of warning signs, fences, etc., have been approved by the Zoning Administration and placed on the premises. Nothing in this Section shall apply to bodies of water, ditches, streams, or other major natural resources created or existing by the authority of the State of Michigan, Alcona County, Alcona Township, or other units of government. Excavation resulting from the extraction of sand, gravel, or other minerals for commercial purposes shall be required upon termination of such activities for a period of one (1) year or more, to be refilled by the person, firm, or corporation engaging in such excavation. The excavated site shall be graded and returned, as near as possible to its natural state, including planting of vegetation indigenous to the area.

Section 3.28 Temporary Storage of Used Materials

The temporary storage, collection, or placing of used or discarded material, such as lumber, scrap iron, slag, ashes or other such matter shall be allowed only during demolition and or construction periods, not to exceed six (6) months. Temporary storage must comply with all federal and state regulations. After six (6) months, the Zoning Administrator shall require the removal of such material. Such removal shall take place in a time frame at the discretion of the Zoning Administrator after written notice is sent by the Zoning Administrator to the person or persons responsible for said storage, notifying him/her that such material must be removed and stating the date on which such materials must be removed from the premises.

Section 3.29 - 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.

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Section 3.30 - Outdoor Signs

This Section is intended to regulate and limit the construction or reconstruction of signs to protect the public peace, morals, health safety, and general welfare while not restricting the content of such signs. The number and size of signs may be distracting to motorists and pedestrians and may create a traffic hazard. The number and size of signs may also reduce the effectiveness of signs needed to direct the public and may mar the appearance of the landscape. Such signs as will not, by reason of their size, location, construction, or manner of display, create a less attractive business environment; decrease property values; negatively affect neighborhood character; endanger life and limb; confuse or mislead traffic; obstruct vision necessary for vehicular and pedestrian traffic safety; or otherwise endanger public welfare, shall be permitted except as may be otherwise provided for herein.

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

A. General Provisions for all Zoning Districts:

1. **Approval:** No sign, except residential nameplates, and those signs established by the township, county, state, or federal governments, and those signs designated in **subsection G** below, shall be erected or altered until approved by the Zoning Administrator and a Zoning Permit issued. A property owner may maintain, improve, or replace an existing conforming sign without a sign permit provided the type, size, shape, and height do not change and the use remains the same.
2. **Signs which are in need of repair, obsolete, not affixed, or obstructing/Signs affixed to other surfaces:** Signs, which are in need of repair, other than normal maintenance, which are not securely affixed to a substantial structure; or which are obsolete; or those that resemble official traffic signs; or obstruct official signs, are prohibited. No sign shall be affixed to trees, rocks, shrubs, utility poles, or other similar objects. No sign shall be affixed to a motor vehicle or other similar object not usually used for signage and put on permanent, non-mobile display.
3. **Nonconforming Signs:** Any sign 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 and shall fall under the provisions of **Article 6**.
4. **Obstruction of Vision:** No signs shall be located on any street corner which would obscure the vision of drivers using said streets or conflict with traffic control signals at the intersection of any streets. No signs shall obstruct the vision of drivers at any driveway, parking lot, or other route providing ingress or egress to any premises.

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5. **Signs in Right-of-Way:** 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.
 6. **Signs Erected by Governmental Agency:** Signs established by county, state, or federal governments shall be permitted in all zoning districts.
 7. **Obstruction of/Confusion with Traffic Signals/Signs:** No sign shall be erected in such a manner that the position, size, movement, shape, or color may interfere with the view of or be confused with any public traffic sign or device.
 8. **Glare/Flashing/Moving/Illuminated Signs:** 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). Illuminated signs shall not be of the flashing, moving or intermittent type unless approved by the Zoning Administrator, or unless allowed elsewhere in this Ordinance, who shall find that the lighting is non-glaring, does not interfere with traffic control devices, and further does not involve the principal notice or message carried on the sign; hence, all intermittent lighting elements shall be designed as accessory to the sign.
 9. **Temporary Sign Time Limit:** Temporary signs shall be removed at the completion of the advertised event.
 10. **Free-Speech:** Signs which express non-commercial speech may be erected in any district. No sign shall contain statements, words, or pictures of an obscene nature which would appeal predominantly to a prurient interest in sexual conduct, depict or describe sexual conduct in a patently offensive way, and be offensive, rude, lewd, or disgusting according to accepted moral standards.
 11. **Substitution Clause:** Any sign that can be displayed under the provisions of this ordinance may contain a non-commercial message.
 12. **Multiple Uses on One Lot:** In cases where a lot contains more than one (1) use, the sign requirements contained in this section apply to each use on the property.
 13. **Construction and Maintenance:** The construction of any sign shall be such that it will withstand all wind and vibration forces which can be normally expected to occur in the vicinity.
- B. **Size Limitations:** Size limitations found in [Table 3.30 A](#) and [Table 3.30 B](#) apply to the sign face only, not the support structure.

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TABLE 3.30A: ON-PREMISE SIGNS: RESIDENTIAL SIGN REQUIREMENTS

Residential Uses			
	Single & Two- Family Uses	Home-Based Business/ Cottage Industry	Multiple Family, Subdivisions, Manufactured Housing Dev.
Free-Standing Signs	1 at 8 ft ²	Lots which contain a Home-Based Business or Cottage Industry may have one additional freestanding sign not to exceed 8ft ² .	1 per entrance at 32 ft ² Height = 6 ft Setback = 10 ft from front lot line
Wall Signs	1 at 8 ft ²	Lots which contain a Home-Based Business or Cottage Industry may have one additional wall sign not to exceed 8ft ² .	-----
Temporary Signs	The total square footage for all temporary signs allowed per residential lot shall be, in sum, sixteen (16) square feet.		

TABLE 3.30B: ON-PREMISE SIGNS: AGRICULTURAL, BUSINESS & INDUSTRIAL USES

Type	Number & Area	Height	Setback	Other Regulations
Ground Mounted Signs (Freestanding Signs and Monument Signs)	1 per each road frontage 32 ft ²	The top of any ground-mounted sign shall be not more than seven (7) feet above the road grade or the ground level immediately beneath the sign, whichever is higher. The bottom of any ground-mounted sign shall be no more than three (3) feet above the road grade or the ground level immediately beneath the sign, whichever is higher. (See Figure 3.30 A & B)	10 ft from front lot line	Sign mounting: The sign shall be mounted on one or more posts. Posts shall not have a diameter greater than 12 inches.
Wall Signs	1 at 32 ft ²	The sign shall not project above the top edge of the roof line.	n/a	Sign shall not project from the surface upon which it is attached more than required for construction purposes and in no case more than 12 inches.
Projecting Signs	1 at 16 ft ²	Minimum height of 8 ft	n/a	Sign structure: Sign supports and brackets shall be compatible with the design and scale of the sign.
Awning or Canopy Signs	No restriction.	No structural element of an awning or canopy shall be located less than eight (8) feet above finished grade.	n/a	n/a
Cluster Signs	Up to six (6) signs in addition to the Primary Sign- Each sign in a cluster shall be no greater than 20 ft ² in area.	20 ft	10 ft from front lot line	Cluster signs shall be allowed for uses located together which share an access to the primary road. Any tenant which has a sign in a cluster is allowed only one additional primary sign located on the lot on which the building or use is located. Cluster signs must be located near the access from which each use in the cluster is located.
Message Boards (Static & Digital)	See §3.30.C			
Temporary Signs	The total square footage for all temporary signs allowed per agricultural, business, or industrial lot shall be, in sum, thirty-two (32) square feet.			

Figure 3.30A

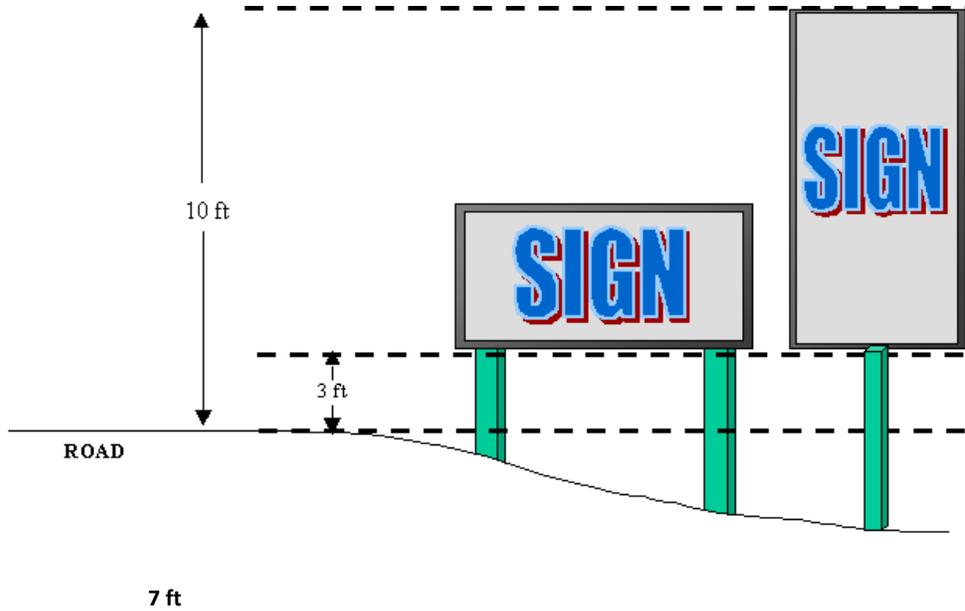
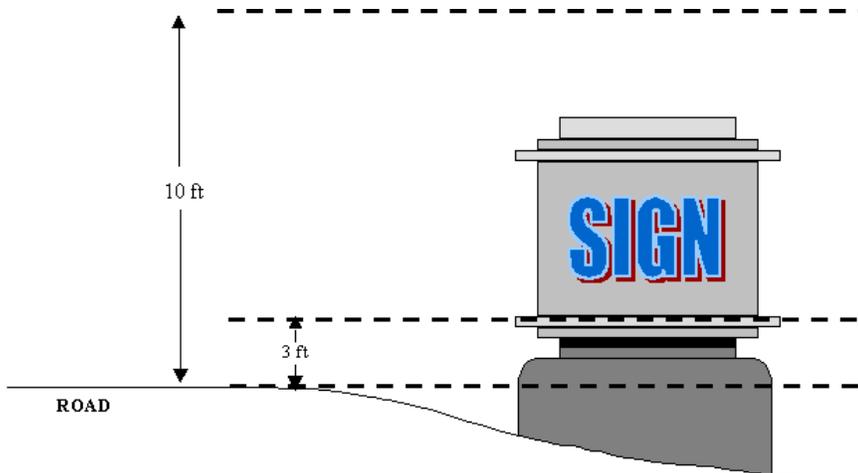


Figure 3.30B



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C. **Message Boards:**

1. **Static Message Boards:** Static message boards shall be allowed in addition to the primary freestanding or wall sign in all districts for uses other than exclusively dwelling units.
 - a. If the static message board is utilized as one of the allowable primary signs on the premises, then the static message board shall be no greater than thirty-two (32) square feet.
 - b. If the static message board is attached to the same support structure as a primary sign, then the static message board shall be no greater than fifty (50) percent of the area of the primary freestanding sign either existing on the property or as allowed by zoning district, whichever is less.

2. **Electronic Message Boards:** Electronic message boards shall be allowed in addition to the primary freestanding or wall sign in all districts for uses other than exclusively dwelling units.
 - a. If the electronic message board is utilized as one of the allowable primary signs on the premises, then the electronic message board shall be no greater than thirty-two (32) square feet.
 - b. If the electronic message board is attached to the same support structure as a primary sign, then the electronic message board shall be no greater than fifty (50) percent of the area of the primary freestanding sign either existing on the property or as allowed by zoning district, whichever is less.
 - c. An electronic message board shall be allowed to have changing messages, scrolling messages, and animation, but shall not be allowed to contain flashing elements.
 - d. The electronic elements shall be of an intensity that the brightness and motion shall not adversely affect surrounding or facing premises, nor adversely affect safe vision of pedestrians or operators of vehicles on public or private streets, driveways or parking areas.
 - e. An electronic message board shall contain a default mechanism that freezes the sign in one position if a malfunction occurs.
 - f. An electronic message board shall contain a mechanism to automatically adjust the intensity of its display according to natural ambient light conditions.

- D. **Off-Premise Signs - Large (Billboards):** The regulation of billboards is intended to enhance and protect community character and image by minimizing visual blight and pollution, to minimize traffic safety hazards due to diversion of the driver’s attention and blockage of sight distances,

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and to place signs in such a way that scenic views are respected and visual obstructions to the natural landscape are minimized. Billboard regulations address the location, size, height, and related characteristics of such signs.

1. **Off-Premise Sign Regulations:** Billboards may be established in Alcona Township provided that they meet the following conditions:
 - a. Off-Premise Signs shall only be allowed on state highways in Alcona Township. Compliance with the [Michigan Department of Transportation](#) permitting process is required.
 - b. Not more than one (1) billboard may be located per three (3) linear miles 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 Alcona 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 face visible to traffic proceeding from any given direction on a street or highway shall be permitted. Additionally, billboard structures having tandem billboard faces (i.e., two parallel billboard faces facing the same direction and side-by-side to one another) shall be permitted and shall be considered as one (1) billboard.
 - c. No billboard shall be located within five hundred (500) feet of an existing residence. If the billboard is illuminated, this required distance shall instead be eight hundred (800) feet.
 - d. 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.
 - e. The surface display area of any side of a billboard may not exceed sixty-four (64) square feet
 - f. The height of a billboard shall not exceed thirty (30) feet above the elevation of the centerline of the abutting roadway.
 - g. No billboard shall be installed or placed on top of, cantilevered, or otherwise suspended above the roof of any building.
 - h. 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 oncoming 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.

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- i. A billboard must be constructed in such a fashion that it will withstand all wind and vibration forces which can normally be expected to occur in the vicinity. A billboard must be maintained so as to assure proper alignment of structure, continued structural soundness, and continued readability of message.
- j. A billboard established within a business, commercial, or industrial area, as defined in the **Highway Advertising Act (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.
- k. **Digital Billboards:**
 - (1) **Rate of Change:** The rate of change between static messages or images shall not exceed more than one (1) change per six (6) seconds. Each change shall be complete in one (1) second or less.
 - (2) **Luminance:** The maximum daylight sign luminance level shall not exceed sixty-two thousand (62,000) candelas per meter squared at forty thousand (40,000) lux illumination beginning one-half (1/2) hour after sunrise and continuing until one-half (1/2) hour before sunset and does not exceed three hundred seventy-five (375) candelas per meter squared at four (4) lux illumination at all other times.
 - (3) Digital billboards shall be configured to default to a static display in the event of mechanical failure.
- 2. **Permit Required:** No person, firm, or corporation shall erect a billboard within Alcona Township without first obtaining a permit from the Alcona 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 (1) year, but shall be renewable annually upon inspection of the billboard by the Alcona 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 Alcona Township Board and shall bear a reasonable relationship to the cost and expense of administering this permit requirement. The Alcona Township Board shall further have the right to amend the aforementioned resolution from time to time within the foregoing limits of reasonableness.
- E. **Off-Premise Signs – Small:** Private small off-premise signs erected by a commercial or industrial establishment shall be allowed on private property provided there exists a written agreement between the property owner and the business/industry. Said agreement shall be filed with Alcona Township.

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- (1) Off-premise directional signs shall be no greater than six (6) square feet.
- (2) Off-premise directional signs must be located at intersections.
- (3) One (1) off-premise direction sign is permitted per commercial or industrial zoning lot.

F. **Portable Message Boards:** Portable message boards are allowed on a temporary basis for a continuous period up to sixty (60) days. The Zoning Administrator may extend the temporary display period up to thirty (30) additional days. A Zoning Permit and fee are required for each period the portable message board is displayed.

G. **Signs Allowed Without a Permit:** The following signs are allowed without a permit, notwithstanding any prohibition contained in this Ordinance, provided such signs are established in a lawful manner and placed so as not to cause a nuisance or create a safety hazard:

- 1. **Residential Nameplates.**
- 2. **Interior Signs:** Interior window signs which occupy up to fifty (50) percent of the window area.
- 3. **Caution Signs:** Signs erected to warn the public of dangerous conditions and unusual hazards.
- 4. **Accessory Freestanding Signs.** Permanent accessory freestanding signs not exceeding four (4) square feet. No more than three (3) freestanding accessory signs shall be allowed per parking lot.
- 5. **Memorial/Historical Signs:** Memorial signs or tablets, when cut into any masonry surface of a building, when constructed of bronze or other incombustible material affixed to a building, or when freestanding. Includes all signs erected by an historic agency.
- 6. **Flags.**
- 7. **Accessory Wall Signs.** Permanent accessory signs not exceeding two (2) square feet and affixed to a structure.
- 8. **Temporary Signs** (except portable message boards as regulated by [§3.30\(F\)](#)).
- 9. Signs not readable by motorists or pedestrians on any road, alley, waterbody, public lands, or adjacent parcels.

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10. Legal postings.

- H. **Removal of Signs in Violation of this Ordinance:** The Zoning Administrator may order the removal of any sign that is abandoned or erected or maintained in violation of this Ordinance. An abandoned sign shall not include a sign located on a lot on which the principal use structure is for sale. Thirty (30) days notice in writing shall be given to the owner of such sign, and to the owner of the building, structure, or premises on which such sign is located, to remove the sign or bring it into compliance. The Zoning Administrator may cause the removal of the sign that remains in violation after such notice. The Zoning Administrator shall cause the removal of a sign immediately and without notice if, in the Zoning Administrator’s opinion, the condition of the sign is such as to present an immediate threat to the safety of the public. The cost of removal shall be paid by the owner of the sign or the building, structure, or premises on which it is located.
- I. **Severance Clause for Signs:** Provisions of §3.30 shall be deemed to be severable, and should any section, subsection, paragraph, or provision thereof be declared by the courts to be unconstitutional or invalid, such holdings shall not affect the validity of this Section as a whole or any other part thereof, other than the part so declared to be unconstitutional or invalid. If any court shall declare invalid the application of any provision of this Section to a particular parcel, lot use, building, or structure, such ruling shall not affect the application of said provision to any other parcel, lot use, building, or structure not specifically included in said ruling.

Section 3.31 - 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 six (6) or more dogs, other than dogs under six 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 raising and keeping of livestock are prohibited on any platted properties in the R-1, R-2, and R-3, Districts.
- C. The raising and keeping of livestock are allowed in the AG and FR 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 storage piles shall not be offensive to nearby properties.

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Article 4 Districts & Map

Sec	Name	Pg
4.0	Classification of Zoning Districts	4-1
4.1	Zoning Map	4-1
4.2	Boundaries of Districts	4-2
4.3	Public Rights-of-Way	4-2
4.4	Zoning of Vacated Areas	4-2
4.5	Zoning of Filled Areas	4-3
4.6	Zoning District Changes	4-3
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Section 4.0 Classification of Zoning Districts

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

R-1	Single-Family Residential District
R-2	Low- to Medium-Density Residential District
R-3	Multiple-Family Residential District
R-4	Manufactured Housing Community District
AG	Agricultural District
FR	Forest Recreational District
C	Commercial District
CF	Community Facilities District
I	Industrial District

Section 4.1 Zoning Map

The areas assigned to each Zoning District and the boundaries thereof shown on the map entitled "[Alcona 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. The official Zoning Map shall be located in the Alcona Township Hall and shall be the final authority in any dispute concerning district boundaries. The official map shall be kept up to date. The official zoning map, including legally adopted amendments, shall be designated as such by the

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signature of the Zoning Administrator and attested to by the Township Clerk.

Section 4.2 Boundaries of Districts

The boundaries of these districts are hereby established as shown on the official **Alcona Township Zoning Map**, 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. When shorelines of lakes have changed, the boundary line shall be constructed as following the contour of the new shoreline and in case of changes in the course in the stream, the boundary shall be considered as the centerline of the new course.
- 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.
- E. Where a district boundary line does not follow lot lines, section lines, centerlines of streets or rivers, or shorelines, said district shall be construed to be five hundred (500) feet deep from the lot line abutting the road right-of-way or waterfront lot line.

Section 4.3 Public Rights-of-Way

Each street, alley, railroad right-of-way, or other public right-of-way is zoned to the centerline 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, highway, or other public right-of-way within Alcona Township shall have been abandoned by official government action and when such right-of-way lands attach to and become part of the land adjoining said right-of-way, such right-of-way property shall automatically acquire and be subject to the provisions of the zoning district of the abutting property without further governmental action. In the case of an abandoned right-of-way which also served as a district boundary, the centerline of such abandoned right-of-way shall remain the boundary line and the

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lands on either side of said centerline shall become attached to their respective adjoining properties without further governmental action.

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.

Section 4.6 - Zoning District Changes

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

Section 4.7 – Unlisted Uses

The Planning Commission shall have the power, on written request, to classify a use which is not listed in [Table 5.9](#) or the individual tables in each zoning district section as an allowable use within this Ordinance with a comparable and similar permitted or Special Land Use which is listed in the Ordinance, giving due consideration to the purpose of this Ordinance. Petition for such classification shall be made through the office of the Zoning Administrator. If no comparable use is able to be determined by the Planning Commission, then the unlisted use shall be added only by the zoning amendment procedure as required in [Article 12](#), except as otherwise provided by the Zoning Board of Appeals through its interpretation of this Ordinance.

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Article 5 District Regulations

Sec	Name	Pg
5.0	(R-1) Single-Family Residential District	5-1
5.1	(R-2) Low- to Medium-Density Residential District	5-5
5.2	(R-3) Multiple-Family Residential District	5-8
5.3	(R-4) Manufactured Housing Community District	5-11
5.4	(AG) Agricultural District	5-14
5.5	(FR) Forest Recreational District	5-18
5.6	(C) Commercial District	5-22
5.7	(CF) Community Facilities District	5-27
5.8	(I) Industrial District	5-30
5.9	Full Table of Permitted Uses & Special Land Uses	5-34
5.10	Schedule of Regulations	5-44

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

- A. **Purpose:** This district is established to provide for the most restricted desirable residential area to protect from problems normally associated with residential, recreational, and seasonally occupied developments. The primary goals are the preservation of water quality, protection of aesthetic or historic areas, the protection of sound low-density residential development, promotion of recreational facilities for public use, and the minimization of adverse environmental impacts of urban development. R-1
- B. **Uses Allowed:** Permitted and Special Land Uses shall be limited to the uses listed in the following table (and [Table 5.9: Table of Permitted and Special Land Uses](#)) and shall be subject to the provisions of [Article 7: Plot Plans and Site Plan Review](#), [Article 8: Special Land Uses](#), and the applicable portions of [Article 9: Supplemental Regulations](#).

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TABLE OF PERMITTED USES & SPECIAL LAND USES	
<i>R = Permitted by right</i> <i>S = Permitted with a Special Use Permit</i> <i>*supplemental development regulations</i>	R-1
Arts, Entertainment & Recreation	
Commercial Docking or Otherwise Storing of Boats, Launch Ramps, Associated Parking Area, & other Water-Related Supportive Uses - provided they are located a minimum of 50 feet from the lot line of a residential use or residentially-zoned lot.	S
Private Clubs; Lodges	S
Educational & Institutional Services	
Religious Institutions	S
Human Care & Social Assistance	
Adult Day Care Facilities (6 or less) – in private home	R
Adult Day Care Facilities (greater than 6) – in private home	S
Adult Foster Care Family Homes & State-Licensed Residential Facilities (6 or less)	R
Family Child Care Homes	R
Group Child Care Homes §9.4	S[†]

TABLE OF PERMITTED USES & SPECIAL LAND USES	
<i>R = Permitted by right</i> <i>S = Permitted with a Special Use Permit</i> <i>*supplemental development regulations</i>	R-1
Public Facilities	
Public Parks, Playgrounds, & Recreation Areas	R
Residential Uses	
Accessory Buildings/Structures	R
Amateur Radio Antennae (roof- or ground-mounted) §9.25.B	R[†]
Home Based-Businesses/Cottage Industries §3.18	R
Keyhole Developments §9.13	S[†]
Platted Subdivisions	R
Single-Family Dwellings (year round & seasonal)	R
Utilities, Energy & Communications	
On-Site Wind Energy Systems §9.26	R[†]

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C. **Development Standards for R-1 District:** Principal buildings within this district shall adhere to the standards within this table unless specifically stated otherwise in this Ordinance:

R-1

1. Lot & Structure Standards

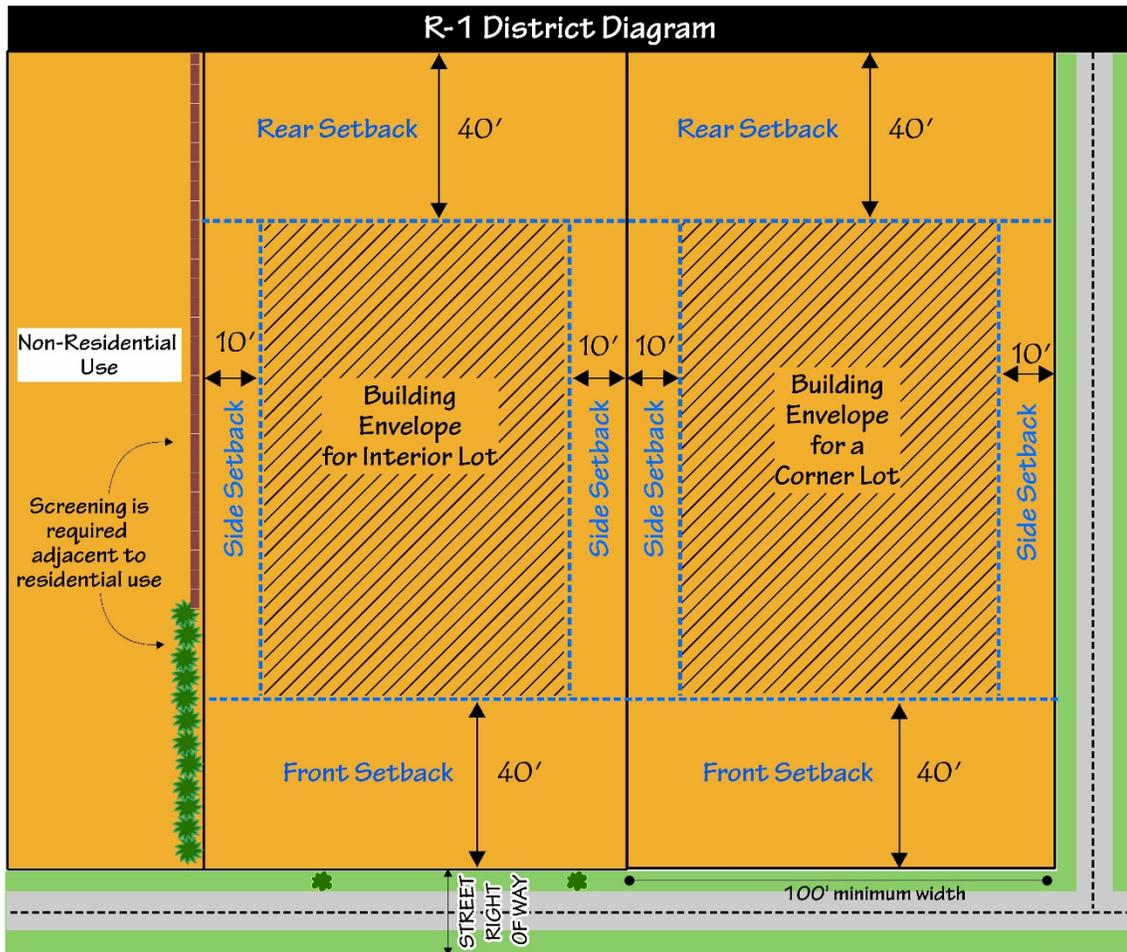
a. Lot Area (min)	20,000 sq ft
b. Lot Width (min)	100 ft Each lot will not exceed a depth-to-width ratio of 4:1 (§5.10)
c. Building Height (max)	32 ft (§5.10)
d. Floor Area (min)	800 sq ft (Applies to permanent dwelling units and does not include seasonal cottages, cabins, motels, or similar uses)
e. Dwelling Width (min)	20 ft
f. % of Lot Coverage (max)	35% (applies to permanent structures)

2. Setbacks (minimum)

a. Front	40 ft On lakefront lots, the front setback shall be met on the lakefront lot line and the roadside lot line.
b. Side, Interior	10 ft
c. Side, Corner	10 ft
d. Rear	40 ft

3. Additional Development Standards

a. Accessory Structures	See §3.5
b. Fences	See §3.19
c. Screening	Screening shall be provided per §3.20 when a non-residential use in this zone abuts a residential 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.
d. Signs	See §3.30
a. Projections, Decks, Patios	See §3.11



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Section 5.1 (R-2) Low- to Medium-Density Residential District

A. **Purpose:** This district is designed to permit a more varied density of residential development than that provided in the R-1 Single-Family Residential District.

R-2

B. **Uses Allowed:** Permitted and Special Land Uses shall be limited to the uses listed in the following table (and [Table 5.9: Table of Permitted and Special Land Uses](#)) and shall be subject to the provisions of [Article 7: Plot Plans and Site Plan Review](#), [Article 8: Special Land Uses](#), and the applicable portions of [Article 9: Supplemental Regulations](#).

TABLE OF PERMITTED USES & SPECIAL LAND USES	
<i>R = Permitted by right</i> <i>S = Permitted with a Special Use Permit</i> <i>*supplemental development regulations</i>	R-2
Accommodation & Food/Event Services	
Bed & Breakfasts §9.3	S†
Rooming Houses	S
Tourist Homes §9.3	S†
Arts, Entertainment & Recreation	
Commercial Docking or Otherwise Storing of Boats, Launch Ramps, Associated Parking Area, & other Water-Related Supportive Uses - provided they are located a minimum of 50 feet from the lot line of a residential use or residentially-zoned lot.	S
Private Clubs; Lodges	S
Educational & Institutional Services	
Religious Institutions	S
Human Care & Social Assistance	
Adult Day Care Facilities (6 or less) – in private home	R
Adult Day Care Facilities (greater than 6) – in private home	S
Adult Foster Care Family Homes & State-Licensed Residential Facilities (6 or less)	R
Adult Foster Care Facilities (more than 6) including Small Group Homes, Large Group Homes & Congregate Facilities	S
Family Child Care Homes	R
Group Child Care Homes §9.4	S†
Nursing/Convalescent Homes	S
Other Residential Care Facilities (substance abuse, correctional)	S

TABLE OF PERMITTED USES & SPECIAL LAND USES	
<i>R = Permitted by right</i> <i>S = Permitted with a Special Use Permit</i> <i>*supplemental development regulations</i>	R-2
Public Facilities	
Public Parks, Playgrounds, & Recreation Areas	R
Residential Uses	
Accessory Buildings/Structures	R
Amateur Radio Antennae (roof- or ground-mounted) §9.25.B	R†
Home Based-Businesses/Cottage Industries §3.18	R
Planned Unit Developments §9.20	S†
Secondary Dwelling Units §9.21	R†
Senior Citizen Apartment Complex	S
Single-Family Dwellings (year round & seasonal)	R
Townhouses/Condominiums	S
Two-Family Dwellings	R
Utilities, Energy & Communications	
On-Site Wind Energy Systems §9.26	R†

1 Purpose & Authority	2 Definitions	3 General Provisions	4 Districts & Map	5 District Regulations	6 Nonconformities
7 Plot Plan & Site Plan Review	8 Special Land Use Review	9 Supplemental Regulations	10 Administration & Enforcement	11 Zoning Board of Appeals	12 Adoption & Amendment

C. **Development Standards for R-2 District:** Principal buildings within this district shall adhere to the standards within this table unless specifically stated otherwise in this Ordinance:

R-2

1. Lot & Structure Standards

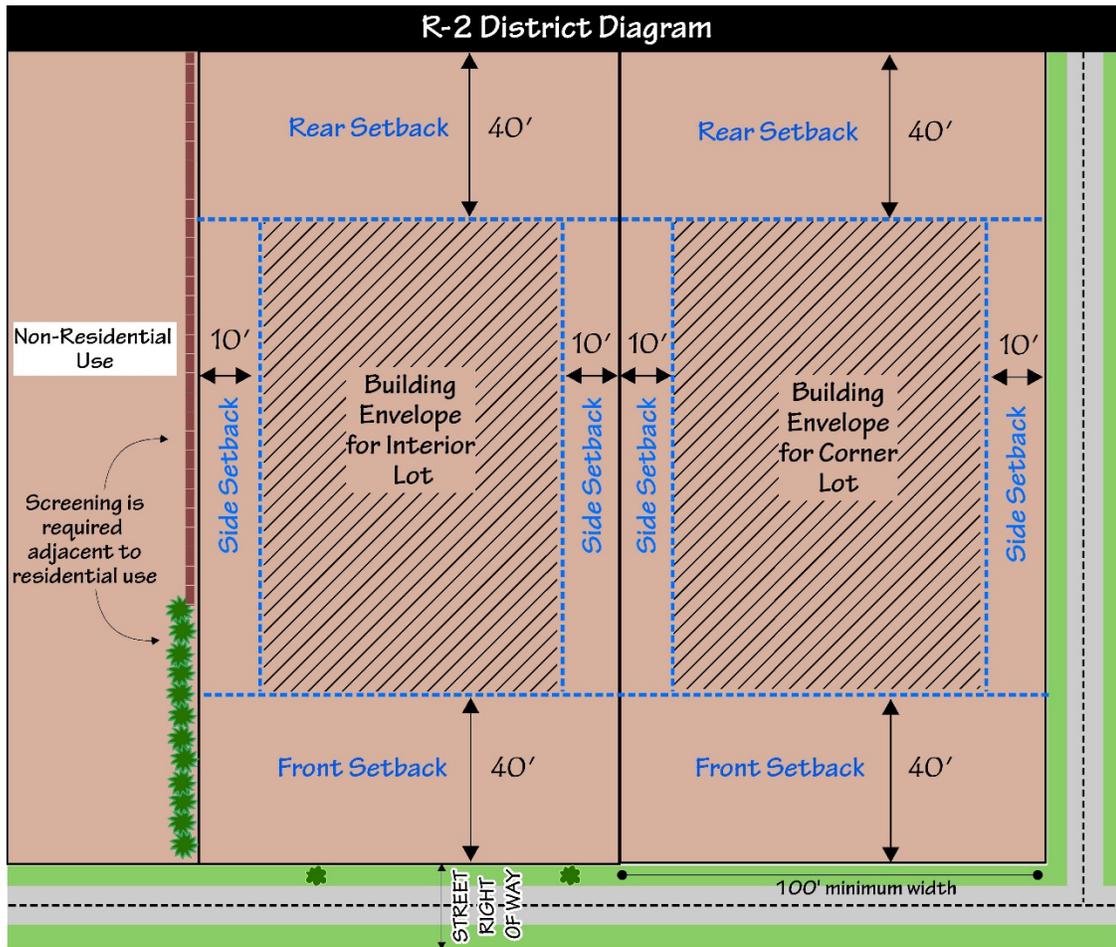
a. Lot Area (min)	20,000 sq ft
b. Lot Width (min)	100 ft Each lot will not exceed a depth-to-width ratio of 4:1 (§5.10)
c. Building Height (max)	32 ft (§5.10)
d. Floor Area (min)	800 sq ft (Applies to permanent dwelling units and does not include seasonal cottages, cabins, motels, or similar uses) Each multiple-family dwelling unit shall have a minimum of six hundred (600) square feet of usable floor area exclusive of unenclosed porches, garages, and basements.
e. Dwelling Width (min)	20 ft
f. % of Lot Coverage (max)	35% (applies to permanent structures)

2. Setbacks (minimum)

a. Front	40 ft On lakefront lots, front setback shall be met on the lakefront lot line and the roadside lot line.
b. Side, Interior	10 ft
c. Side, Corner	10 ft
d. Rear	40 ft

3. Additional Development Standards

a. Accessory Structures	See §3.5
b. Fences	See §3.19
c. Screening	Screening shall be provided per §3.20 when a non-residential use in this zone abuts a residential 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.
d. Signs	See §3.30
b. Projections, Decks, Patios	See §3.11



1 Purpose & Authority	2 Definitions	3 General Provisions	4 Districts & Map	5 District Regulations	6 Nonconformities
7 Plot Plan & Site Plan Review	8 Special Land Use Review	9 Supplemental Regulations	10 Administration & Enforcement	11 Zoning Board of Appeals	12 Adoption & Amendment

Section 5.2 (R-3) Multiple-Family Residential District

R-3

- A. **Purpose:** This district is designed to provide a location within the Township for dwelling units containing a mixture of densities and housing types. Those structures which offer an alternative to single-family detached housing (while still adhering to the low to medium density character of the community) will be permitted in this zone.
- B. **Uses Allowed:** Permitted and Special Land Uses shall be limited to the uses listed in the following table (and [Table 5.9: Table of Permitted and Special Land Uses](#)) and shall be subject to the provisions of [Article 7: Plot Plans and Site Plan Review](#), [Article 8: Special Land Uses](#), and the applicable portions of [Article 9: Supplemental Regulations](#).

TABLE OF PERMITTED USES & SPECIAL LAND USES	
<i>R = Permitted by right</i> <i>S = Permitted with a Special Use Permit</i> <i>*supplemental development regulations</i>	R-3
Accommodation & Food/Event Services	
Bed & Breakfasts §9.3	S⁺
Rooming Houses	S
Tourist Homes §9.3	S⁺
Arts, Entertainment & Recreation	
Commercial Docking or Otherwise Storing of Boats, Launch Ramps, Associated Parking Area, & other Water-Related Supportive Uses - provided they are located a minimum of 50 feet from the lot line of a residential use or residentially-zoned lot.	S
Private Clubs; Lodges	S
Educational & Institutional Services	
Religious Institutions	S
Human Care & Social Assistance	
Adult Day Care Facilities (6 or less) – in private home	R
Adult Day Care Facilities (greater than 6) – in private home	S
Adult Foster Care Family Homes & State-Licensed Residential Facilities (6 or less)	R
Adult Foster Care Facilities (more than 6) including Small Group Homes, Large Group Homes & Congregate Facilities	S
Family Child Care Homes	R
Group Child Care Home §9.4	S⁺
Nursing/Convalescent Homes	S
Other Residential Care Facilities (substance abuse, correctional)	S

TABLE OF PERMITTED USES & SPECIAL LAND USES	
<i>R = Permitted by right</i> <i>S = Permitted with a Special Use Permit</i> <i>*supplemental development regulations</i>	R-3
Public Facilities	
Public Parks, Playgrounds, & Recreation Areas	R
Residential Uses	
Accessory Buildings/Structures	R
Amateur Radio Antennae (roof- or ground-mounted) §9.25.B	R⁺
Home Based-Businesses/Cottage Industries §3.18	R
Multiple-Family Dwellings §9.17	S⁺
Planned Unit Developments §9.20	S⁺
Secondary Dwelling Units §9.21	R⁺
Senior Citizen Apartment Complex	S
Single-Family Dwellings (year round & seasonal)	R
Townhouses/Condominiums	S
Two-Family Dwellings	R
Utilities, Energy & Communications	
On-Site Wind Energy Systems §9.26	R⁺

1 Purpose & Authority	2 Definitions	3 General Provisions	4 Districts & Map	5 District Regulations	6 Nonconformities
7 Plot Plan & Site Plan Review	8 Special Land Use Review	9 Supplemental Regulations	10 Administration & Enforcement	11 Zoning Board of Appeals	12 Adoption & Amendment

Alcona Township Zoning Ordinance

C. Development Standards for R-3 District: Principal buildings within this district shall adhere to the standards within this table unless specifically stated otherwise in this Ordinance:

R-3

1. Lot & Structure Standards

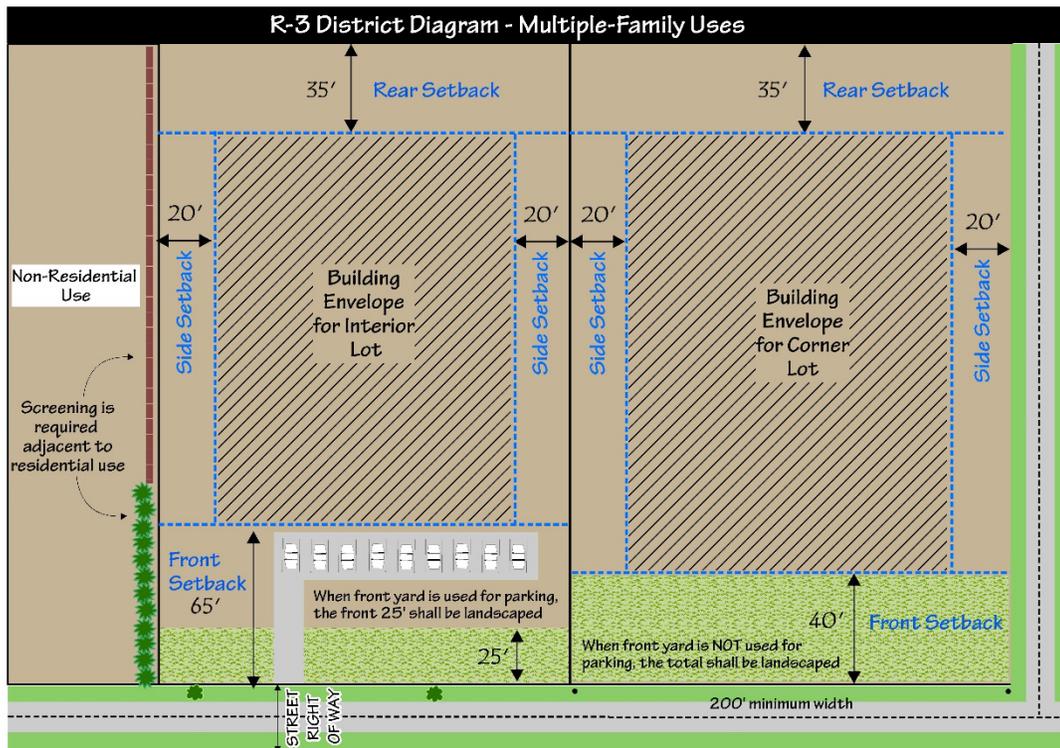
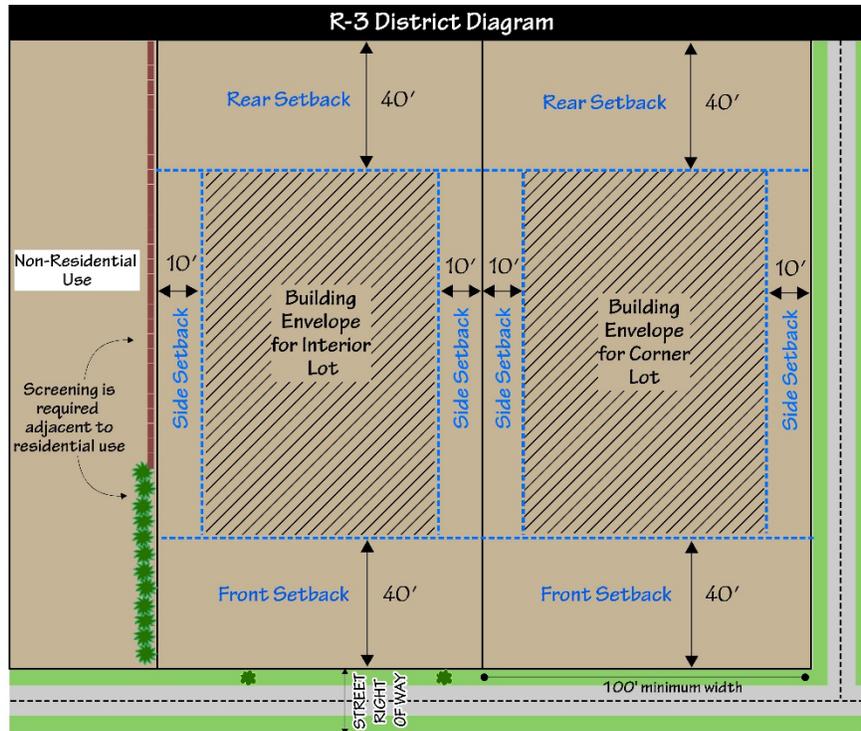
a. Lot Area (min)	20,000 sq ft 40,000 sq ft for multiple-family
b. Lot Width (min)	100 ft 200 ft for multiple-family Each lot will not exceed a depth-to-width ratio of 4:1 (§5.10)
c. Building Height (max)	32 ft (§5.10)
d. Floor Area (min)	800 sq ft for single-family and each dwelling unit in multiple-family dwellings (Applies to permanent dwelling units and does not include seasonal cottages, cabins, motels, or similar uses) Each multiple-family dwelling unit in this zoning district shall have a minimum of six hundred (600) square feet of usable floor area exclusive of unenclosed porches, garages, and basements.
e. % of Lot Coverage (max)	35% (applies to permanent structures)

2. Setbacks (minimum)

	All Uses except Multiple-Family	Multiple-Family
a. Front	40 ft	40 ft if the front yard is not used as parking (the total of which shall be landscaped) 65 ft if front yard is used as parking (the front 25 ft shall be landscaped)
	On lakefront lots, front setback shall be met on the lakefront lot line and the roadside lot line.	
b. Side, Interior	10 ft	20 ft
c. Side, Corner	10 ft	20 ft
d. Rear	40 ft	35 ft

3. Additional Development Standards

a. Accessory Structures	See §3.5
b. Fences	See §3.19
c. Screening	Screening shall be provided per §3.20 when a non-residential use in this zone abuts a residential 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.
d. Signs	See §3.30
e. Multiple-Family	See §9.17 for other development regulations for multiple-family dwellings.
c. Projections, Decks, Patios	See §3.11



1 Purpose & Authority	2 Definitions	3 General Provisions	4 Districts & Map	5 District Regulations	6 Nonconformities
7 Plot Plan & Site Plan Review	8 Special Land Use Review	9 Supplemental Regulations	10 Administration & Enforcement	11 Zoning Board of Appeals	12 Adoption & Amendment

Section 5.3 (R-4) Manufactured Housing Community District

A. **Purpose:** The purpose of this district is to provide for the development of Manufactured Housing Communities in the Township.

R-4

B. **Uses Allowed:** Permitted and Special Land Uses shall be limited to the uses listed in the following table (and [Table 5.9: Table of Permitted and Special Land Uses](#)) and shall be subject to the provisions of [Article 7: Plot Plans and Site Plan Review](#), [Article 8: Special Land Uses](#), and the applicable portions of [Article 9: Supplemental Regulations](#).

TABLE OF PERMITTED USES & SPECIAL LAND USES	
<i>R = Permitted by right</i> <i>S = Permitted with a Special Use Permit</i> <i>*supplemental development regulations</i>	R-4
Human Care & Social Assistance	
Adult Day Care Facilities (6 or less) – in private home	R
Adult Day Care Facilities (greater than 6) – in private home	S
Adult Foster Care Family Homes & State-Licensed Residential Facilities (6 or less)	R
Family Child Care Homes	R
Group Child Care Homes §9.4	S[†]

TABLE OF PERMITTED USES & SPECIAL LAND USES	
<i>R = Permitted by right</i> <i>S = Permitted with a Special Use Permit</i> <i>*supplemental development regulations</i>	R-4
Public Facilities	
Public Parks, Playgrounds, & Recreation Areas	R
Residential Uses	
Accessory Buildings/Structures	R
Home Based-Businesses/Cottage Industries §3.18	R
Manufactured Housing Communities §9.16	S[†]
Secondary Dwelling Units §9.21	R[†]
Single-Family Dwellings (year round & seasonal)	R
Two-Family Dwellings	R

1 Purpose & Authority	2 Definitions	3 General Provisions	4 Districts & Map	5 District Regulations	6 Nonconformities
7 Plot Plan & Site Plan Review	8 Special Land Use Review	9 Supplemental Regulations	10 Administration & Enforcement	11 Zoning Board of Appeals	12 Adoption & Amendment

C. **Development Standards for R-4 District.** Principal buildings within this district shall adhere to the standards within this table unless specifically stated otherwise in this Ordinance:

R-4

1. Lot & Structure Standards

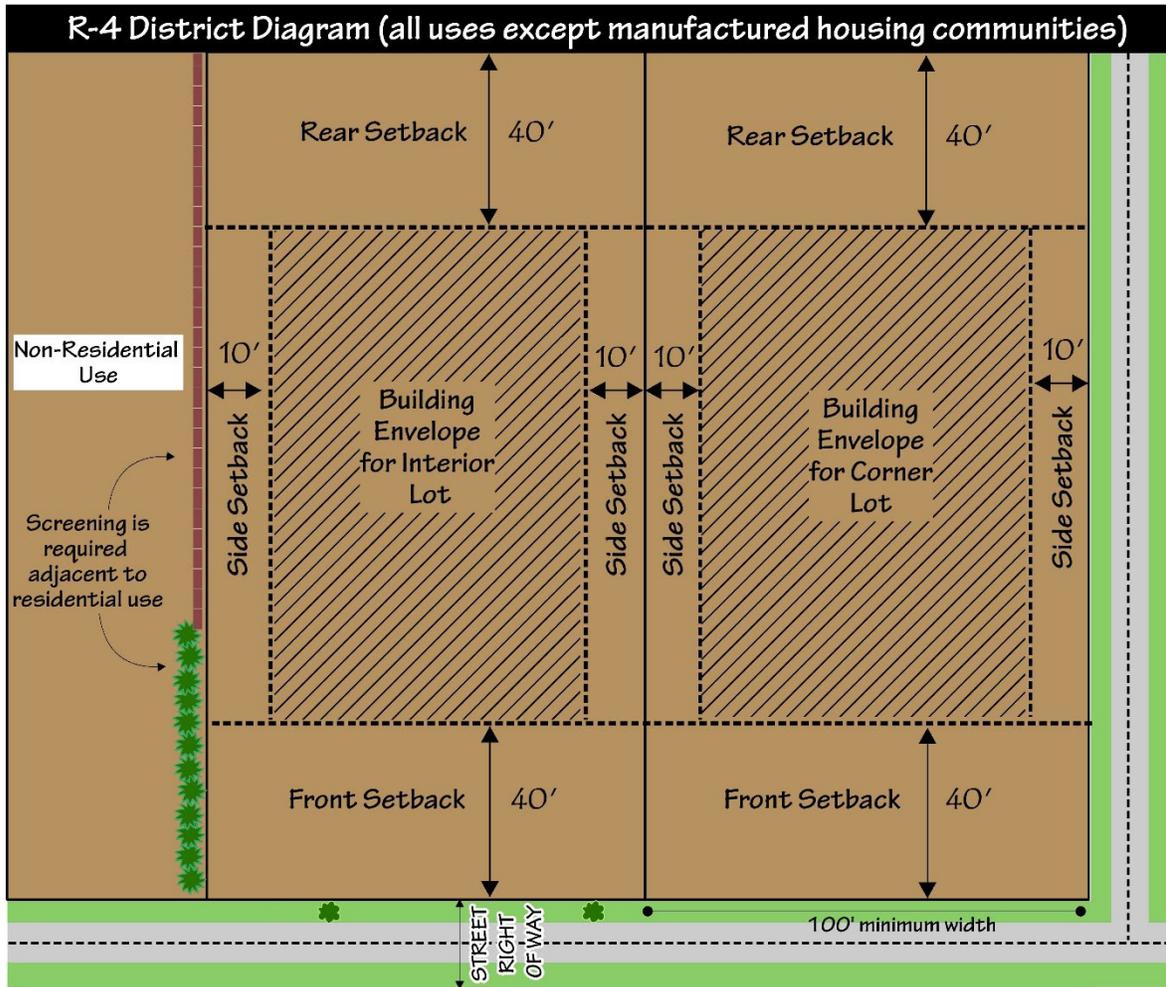
	Manufactured Housing Communities	All Other Uses
a. Lot Area (min)	10 acres per manufactured housing community	20,000 sq ft
b. Lot Width (min)	N/A	100 ft Each lot will not exceed a depth-to-width ratio of 4:1 (§5.10)
c. Building Height (max)	See subsection C.3.e below	32 ft (§5.10)
d. Floor Area (min)	See subsection C.3.e below	800 sq ft (Applies to permanent dwelling units and does not include seasonal cottages, cabins, motels or similar uses)
e. % of Lot Coverage (max)	See subsection C.3.e below	35% (applies to permanent structures)

2. Setbacks (minimum)

	Manufactured Housing Communities	All Other Uses
a. Front	See subsection C.3.e	40 ft On lakefront lots, front setbacks shall be met on the lakefront lot line and the roadside lot line.
b. Side, Interior		10 ft
c. Side, Corner		10 ft
d. Rear		40 ft

3. Additional Development Standards

a. Accessory Structures	See §3.5
b. Fences	See §3.19
c. Screening	Screening shall be provided per §3.20 when a non-residential use in this zone abuts a residential 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.
d. Signs	See §3.30
e. Manufactured Housing Communities	Manufactured Housing Communities 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. All other uses shall comply with the area and height regulations of the R-2 District.
d. Projections, Decks, Patios	See §3.11



1 Purpose & Authority	2 Definitions	3 General Provisions	4 Districts & Map	5 District Regulations	6 Nonconformities
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Alcona Township Zoning Ordinance

Section 5.4 (AG) Agricultural District

AG

- A. **Purpose:** This district is intended to preserve and provide for large tracts of land for farming and forestry and other rural activities. Large vacant areas, fallow land and wooded areas may be included.
- B. **Uses Allowed:** Permitted and Special Land Uses shall be limited to the uses listed in the following table (and [Table 5.9: Table of Permitted and Special Land Uses](#)) and shall be subject to the provisions of [Article 7: Plot Plans and Site Plan Review](#), [Article 8: Special Land Uses](#), and the applicable portions of [Article 9: Supplemental Regulations](#).

TABLE OF PERMITTED USES & SPECIAL LAND USES	
<i>R = Permitted by right</i> <i>S = Permitted with a Special Use Permit</i> <i>*supplemental development regulations</i>	AG
Accommodation & Food/Event Services	
Bed & Breakfasts §9.3	S[†]
Campgrounds & RV Parks §9.5	S[†]
Commercial Events Facilities	S
Resorts	S
Rooming Houses	S
Tourist Homes §9.3	S[†]
Agriculture, Forest Products & Animal Services	
Agricultural Businesses related to the sale of field crops, forest products, & livestock raised or cultivated on the property	R
Agricultural Products Processing	R
Animal Shelter/Kennels §9.12	S[†]
Biofuel Production Facilities on Farms §9.29	RS[†]
Bulk Seed, Feed, Fertilizer & Nursery Stock Outlet & Distribution Centers	R
Cider Mills/Wineries	R
Dog Grooming Establishments	R
Farms & Agricultural Operations	R
Forestry & Forest Management (including timber harvesting)	R
Game Preserves (where game is hunted)	R
Greenhouse, Nursery, Landscaping & Floriculture Production	R
Raising/Growing Plants, Trees, Shrubs, Nursery Stock	R
Riding Arenas or Boarding Stables §9.23	R[†]
Roadside Stands	R

TABLE OF PERMITTED USES & SPECIAL LAND USES	
<i>R = Permitted by right</i> <i>S = Permitted with a Special Use Permit</i> <i>*supplemental development regulations</i>	AG
Agriculture, Forest Products & Animal Services	
Sawmills, Planing Mills, & Veneer Mills (that operate for more than 60 days) §9.15	S[†]
Seasonal Outdoor Mazes (of agricultural origin)	R
Seasonal "U-Pick" Fruit & Vegetable Operations	R
Slaughter Houses/Meat Packing Houses	S
Veterinary Services, Animal Clinics, Animal Hospitals §9.12	S[†]
Uses related to Agricultural Tourism:	
Bakeries selling goods grown primarily on-site	R
Educational tours, classes, lectures, & seminars	R
Family-oriented animated barns (fun houses, haunted houses)	R
Gift shops for agriculturally-related products, crafts	R
Historical agricultural exhibits	R
Kitchen facilities, processing/cooking items for sale	R
Organized meeting space (weddings, birthdays, corporate picnics)	S
Petting farms, animal display, & pony rides	R
Picnic areas (including rest rooms)	R
Playgrounds, wagon/sleigh rides, nature trails	R
Restaurant operations related to the agricultural use of the site	S
Small-scale entertainment (music concert, car show, art fair)	S

1 Purpose & Authority	2 Definitions	3 General Provisions	4 Districts & Map	5 District Regulations	6 Nonconformities
7 Plot Plan & Site Plan Review	8 Special Land Use Review	9 Supplemental Regulations	10 Administration & Enforcement	11 Zoning Board of Appeals	12 Adoption & Amendment

TABLE OF PERMITTED USES & SPECIAL LAND USES	
<i>R = Permitted by right</i> <i>S = Permitted with a Special Use Permit</i> <i>*supplemental development regulations</i>	AG
Arts, Entertainment & Recreation	
Archery Ranges (indoor)	R
Archery Ranges (outdoor)	R
Boat & Canoe Liveries	R
Commercial Docking or Otherwise Storing of Boats, Launch Ramps, Associated Parking Area, & other Water-Related Supportive Uses - provided they are located a minimum of 50 feet from the lot line of a residential use or residentially-zoned lot.	R
Golf Courses/Country Clubs/Golf Driving Range	S
Nature Parks & Recreation Areas (private)	R
Outdoor Recreational Facilities (private) (ex: mini golf, go-karts) §9.18	S+
Private Clubs; Lodges	R
Spectator Sports Arenas (private)	S
Sports Clubs	R
Zoos & Botanical Gardens	S
Commercial, Services & Retail	
Cemeteries §9.7	R+
Retail:	
Building Material & Garden Equipment & Supplies Dealers	S
Farm Markets	R
Truck & heavy equipment sales/service establishments §9.19	S+
Construction	
Building, Developing & General Contracting (no outside storage of materials)	R
Special Trade Contractors (ex: electrical, plumbing)	S
Storage Facilities for Building Materials/Contractor's Equipment §9.24	S+
Educational & Institutional Services	
Religious Institutions	S

TABLE OF PERMITTED USES & SPECIAL LAND USES	
<i>R = Permitted by right</i> <i>S = Permitted with a Special Use Permit</i> <i>*supplemental development regulations</i>	AG
Human Care & Social Assistance	
Adult Day Care Facilities (6 or less) – in private home	R
Adult Day Care Facilities (greater than 6) – in private home	S
Adult Foster Care Family Homes & State-Licensed Residential Facilities (6 or less)	R
Family Child Care Homes	R
Group Child Care Homes §9.4	S+
Public Facilities	
Public Parks, Playgrounds, & Recreation Areas	R
Residential Uses	
Accessory Buildings/Structures	R
Amateur Radio Antennae (roof- or ground-mounted) §9.25.B	R+
Dwelling Units in Support of Commercial Establishment	R
Home Based-Businesses/Cottage Industries §3.18	R
Planned Unit Developments §9.20	S+
Secondary Dwelling Units §9.21	R+
Single-Family Dwellings (year round & seasonal)	R
Two-Family Dwellings	R
Transportation, Storage & Wholesale	
Airports & Landing Fields §9.1	S+
Utilities, Energy & Communications	
Antenna co-located on existing telecommunications towers or alternative tower structures §9.25	R+
Commercial Wind Energy Facilities/Anemometer Towers §9.26	S+
On-Site Wind Energy Systems §9.26	R+
Solar Energy Facility (Utility-Scale) §9.27	S+
Solar Energy Panels (Accessory) §9.27	R+
Wireless Support Structures, Alternative Tower Structures, Small Cell Wireless Facilities, Ground-Mounted Wireless Facilities §9.25	S+

1 Purpose & Authority	2 Definitions	3 General Provisions	4 Districts & Map	5 District Regulations	6 Nonconformities
7 Plot Plan & Site Plan Review	8 Special Land Use Review	9 Supplemental Regulations	10 Administration & Enforcement	11 Zoning Board of Appeals	12 Adoption & Amendment

- c. **Development Standards for AG District:** Principal buildings within this district shall adhere to the standards within this table unless specifically stated otherwise in this Ordinance:

AG

1. Lot & Structure Standards

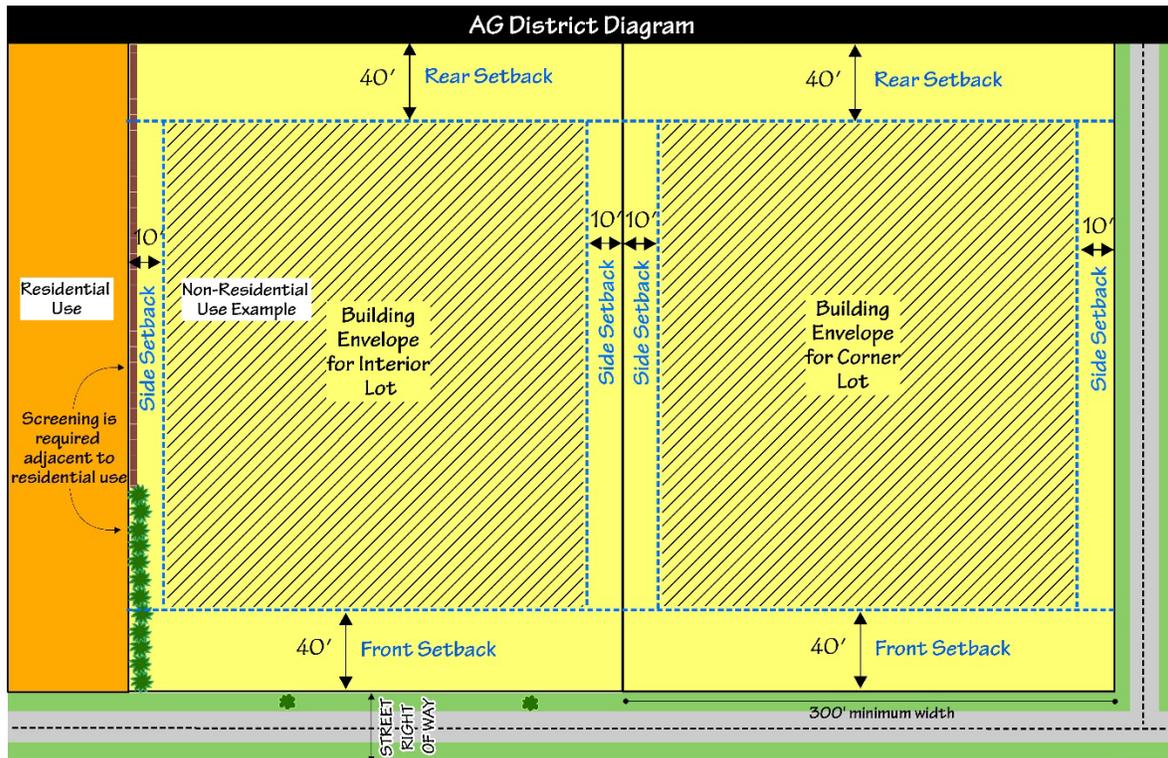
a. Lot Area (min)	10 acres
b. Lot Width (min)	300 ft Each lot will not exceed a depth-to-width ratio of 4:1 (§5.10)
c. Building Height (max)	32 ft (§5.10)
d. Floor Area (min)	800 sq ft (Applies to permanent dwelling units and does not include seasonal cottages, cabins, motels, or similar uses)
e. % of Lot Coverage (max)	35%

2. Setbacks (minimum)

a. Front	40 ft On lakefront lots, front setbacks shall be met on the lakefront lot line and the roadside lot line.
b. Side, Interior	10 ft
c. Side, Corner	10 ft
d. Rear	40 ft

3. Additional Development Standards

a. Accessory Structures	See §3.5
b. Fences	See §3.19
c. Screening	Screening shall be provided per §3.20 when a non-residential use in this zone abuts a residential 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.
d. Signs	See §3.30
e. Projections, Decks, Patios	See §3.11



1 Purpose & Authority	2 Definitions	3 General Provisions	4 Districts & Map	5 District Regulations	6 Nonconformities
7 Plot Plan & Site Plan Review	8 Special Land Use Review	9 Supplemental Regulations	10 Administration & Enforcement	11 Zoning Board of Appeals	12 Adoption & Amendment

Section 5.5 (FR) 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, recreational, and forest uses.

FR

B. **Uses Allowed:** Permitted and Special Land Uses shall be limited to the uses listed in the following table (and [Table 5.9: Table of Permitted and Special Land Uses](#)) and shall be subject to the provisions of [Article 7: Plot Plans and Site Plan Review](#), [Article 8: Special Land Uses](#), and the applicable portions of [Article 9: Supplemental Regulations](#).

TABLE OF PERMITTED USES & SPECIAL LAND USES	
<i>R = Permitted by right</i>	FR
<i>S = Permitted with a Special Use Permit</i>	
<i>*supplemental development regulations</i>	
Accommodation & Food/Event Services	
Bed & Breakfasts §9.3	S⁺
Campgrounds & RV Parks §9.5	S⁺
Commercial Events Facilities	S
Resorts	S
Rooming Houses	S
Tourist Homes §9.3	S⁺
Agriculture, Forest Products & Animal Services	
Agricultural Businesses related to the sale of field crops, forest products, & livestock raised or cultivated on the property	R
Biofuel Production Facilities on Farms §9.29	RS⁺
Bulk Seed, Feed, Fertilizer & Nursery Stock Outlet & Distribution Centers	R
Cider Mills/Wineries	R
Dog Grooming Establishments	R
Farms & Agricultural Operations	R
Forestry & Forest Management (including timber harvesting)	R
Game Preserves (where game is hunted)	R
Greenhouse, Nursery, Landscaping & Floriculture Production	R
Lumberyards §9.14	S⁺
Raising/Growing Plants, Trees, Shrubs, Nursery Stock	R
Riding Arenas or Boarding Stables §9.23	R⁺

TABLE OF PERMITTED USES & SPECIAL LAND USES	
<i>R = Permitted by right</i>	FR
<i>S = Permitted with a Special Use Permit</i>	
<i>*supplemental development regulations</i>	
Agriculture, Forest Products & Animal Services	
Roadside Stands	R
Sawmills, Planing Mills, & Veneer Mills (that operate for more than 60 days) §9.15	S⁺
Seasonal Outdoor Mazes (of agricultural origin)	R
Seasonal "U-Pick" Fruit & Vegetable Operations	R
Uses related to Agricultural Tourism:	
Bakeries selling goods grown primarily on-site	R
Educational tours, classes, lectures, & seminars	R
Family-oriented animated barns (fun houses, haunted houses)	R
Gift shops for agriculturally-related products, crafts	R
Historical agricultural exhibits	R
Kitchen facilities, processing/cooking items for sale	R
Organized meeting space (weddings, birthdays, corporate picnics)	S
Petting farms, animal display, & pony rides	R
Picnic areas (including rest rooms)	R
Playgrounds, wagon/sleigh rides, nature trails	R
Restaurant operations related to the agricultural use of the site	S
Small-scale entertainment (music concert, car show, art fair)	S

1 Purpose & Authority	2 Definitions	3 General Provisions	4 Districts & Map	5 District Regulations	6 Nonconformities
7 Plot Plan & Site Plan Review	8 Special Land Use Review	9 Supplemental Regulations	10 Administration & Enforcement	11 Zoning Board of Appeals	12 Adoption & Amendment

TABLE OF PERMITTED USES & SPECIAL LAND USES	
<i>R = Permitted by right</i> <i>S = Permitted with a Special Use Permit</i> <i>*supplemental development regulations</i>	FR
Arts, Entertainment & Recreation	
Archery Ranges (indoor)	R
Archery Ranges (outdoor)	R
Boat & Canoe Liveries	R
Commercial Docking or Otherwise Storing of Boats, Launch Ramps, Associated Parking Area, & other Water-Related Supportive Uses - provided they are located a minimum of 50 feet from the lot line of a residential use or residentially-zoned lot.	R
Golf Courses/Country Clubs/Golf Driving Range	S
Nature Parks & Recreation Areas (private)	R
Outdoor Recreational Facilities (private) (ex: mini golf, go-karts) §9.18	S+
Private Clubs; Lodges	R
Sports Clubs	R
Zoos & Botanical Gardens	S
Commercial, Services & Retail	
Cemeteries §9.7	R+
Retail:	
Farm Markets	R
Construction	
Building, Developing & General Contracting (no outside storage of materials)	R
Special Trade Contractors (ex: electrical, plumbing)	S
Storage Facilities for Building Materials/Contractor's Equipment §9.24	S+
Educational & Institutional Services	
Religious Institutions	S
Human Care & Social Assistance	
Adult Day Care Facilities (6 or less) – in private home	R
Adult Day Care Facilities (greater than 6) – in private home	S
Adult Foster Care Family Homes & State-Licensed Residential Facilities (6 or less)	R
Family Child Care Homes	R
Group Child Care Homes §9.4	S+

TABLE OF PERMITTED USES & SPECIAL LAND USES	
<i>R = Permitted by right</i> <i>S = Permitted with a Special Use Permit</i> <i>*supplemental development regulations</i>	FR
Manufacturing, Industrial & Waste Management	
Extractive Industry: Mines, quarries, gravel pits, & materials processing §9.10	S+
Public Facilities	
Public Parks, Playgrounds, & Recreation Areas	R
Residential Uses	
Accessory Buildings/Structures	R
Amateur Radio Antennae (roof- or ground-mounted) 9.25.B	R+
Dwelling Units in Support of Commercial Establishment	R
Home Based-Businesses/Cottage Industries §3.18	R
Planned Unit Developments §9.20	S+
Secondary Dwelling Units §9.21	R+
Senior Citizen Apartment Complexes	S
Single-Family Dwellings (year round & seasonal)	R
Two-Family Dwellings	R
Utilities, Energy & Communications	
Antenna co-located on existing telecommunications towers or alternative tower structures §9.25	R+
Commercial Wind Energy Facilities/Anemometer Towers §9.26	S+
On-Site Wind Energy Systems §9.26	R+
Solar Energy Facility (Utility-Scale) §9.27	S+
Solar Energy Panels (Accessory) §9.27	R+
Wireless Support Structures, Alternative Tower Structures, Small Cell Wireless Facilities, Ground-Mounted Wireless Facilities §9.25	S+

1 Purpose & Authority	2 Definitions	3 General Provisions	4 Districts & Map	5 District Regulations	6 Nonconformities
7 Plot Plan & Site Plan Review	8 Special Land Use Review	9 Supplemental Regulations	10 Administration & Enforcement	11 Zoning Board of Appeals	12 Adoption & Amendment

Alcona Township Zoning Ordinance

C. **Development Standards for FR District:** Principal buildings within this district shall adhere to the standards within this table unless specifically stated otherwise in this Ordinance:

FR

1. Lot & Structure Standards

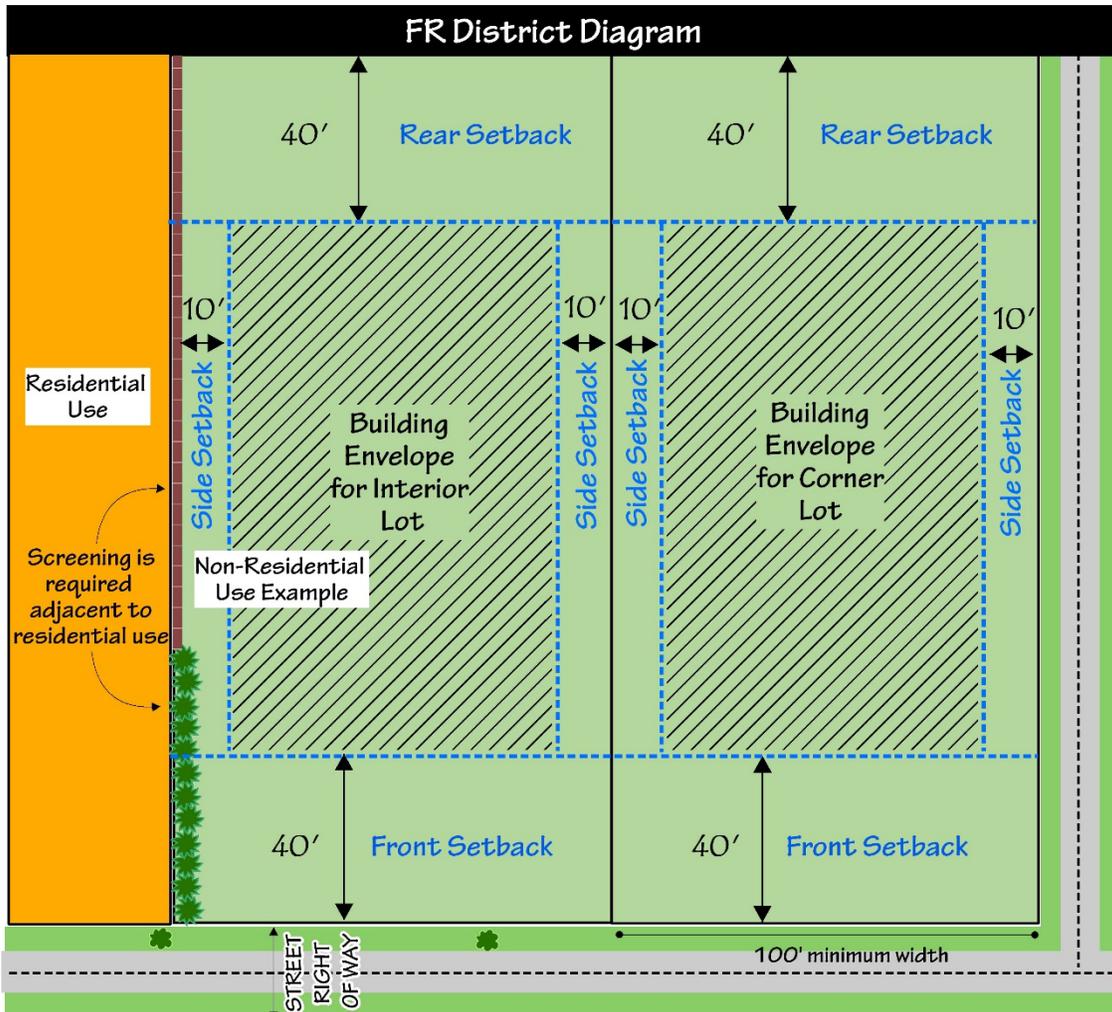
a. Lot Area (min)	20,000 sq ft
b. Lot Width (min)	100 ft Each lot will not exceed a depth-to-width ratio of 4:1 (§5.10)
c. Building Height (max)	32 ft (§5.10)
d. Floor Area (min)	800 sq ft (Applies to permanent dwelling units and does not include seasonal cottages, cabins, motels, or similar uses)
e. % of Lot Coverage (max)	35%

2. Setbacks (minimum)

a. Front	40 ft On lakefront lots, front setbacks shall be met on the lakefront lot line and the roadside lot line.
b. Side, Interior	10 ft
c. Side, Corner	10 ft
d. Rear	40 ft

3. Additional Development Standards

a. Accessory Structures	See §3.5
b. Fences	See §3.19
c. Screening	Screening shall be provided per §3.20 when a non-residential use in this zone abuts a residential 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.
d. Signs	See §3.30
f. Projections, Decks, Patios	See §3.11



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Section 5.6 (C) Commercial District

A. **Purpose:** This district is intended to provide for the construction or continued use of land for general community-wide commercial and service uses and to provide for orderly development and concentration of such uses to satisfy the needs of the overall community.



B. **Uses Allowed:** Permitted and Special Land Uses shall be limited to the uses listed in the following table (and [Table 5.9: Table of Permitted and Special Land Uses](#)) and shall be subject to the provisions of [Article 7: Plot Plans and Site Plan Review](#), [Article 8: Special Land Uses](#), and the applicable portions of [Article 9: Supplemental Regulations](#).

TABLE OF PERMITTED USES & SPECIAL LAND USES	
<i>R = Permitted by right</i>	C
<i>S = Permitted with a Special Use Permit</i>	
<i>*supplemental development regulations</i>	
Accommodation & Food/Event Services	
Bakeries, Coffee Shops, Confectionary Shops, Ice Cream Shops	R
Caterers	R
Commercial Events Facilities	S
Drinking Establishments (bars & taverns)	R
Food Service Contractors	R
Hotels, Motels, Cabin Courts, & Short Term Rentals	R
Inns	R
Microbreweries & Distilleries	R
Mobile Food Services	R
Resorts	R
Restaurants without Drive-Through	R
Restaurants with Drive-Through §9.9	R[†]
Agriculture, Forest Products & Animal Services	
Animal Shelter/Kennels §9.12	S[†]
Bulk Seed, Feed, Fertilizer & Nursery Stock Outlet & Distribution Centers	R
Dog Grooming Establishments	R
Greenhouse, Nursery, Landscaping & Floriculture Production	R
Lumberyards §9.14	R[†]
Veterinary Services, Animal Clinics, Animal Hospitals §9.12	S[†]

TABLE OF PERMITTED USES & SPECIAL LAND USES	
<i>R = Permitted by right</i>	C
<i>S = Permitted with a Special Use Permit</i>	
<i>*supplemental development regulations</i>	
Arts, Entertainment & Recreation	
Archery Ranges (indoor)	R
Amusement Arcades	R
Art Galleries & Art Studios (not in home)	R
Bowling Centers/Billiard Clubs	R
Equipment Rental (motorized or nonmotorized)	R
Fitness/Recreational Sports Centers/Indoor Skating Rinks	R
Nature Parks & Recreation Areas (private)	R
Marinas	S
Museums	R
Outdoor Recreational Facilities (private) (ex: mini golf, go-karts) §9.18	S[†]
Performing Arts Companies; Dance, Music, Voice Studio	R
Private Clubs; Lodges	R
Race Tracks	S
Shooting Range (in a completely enclosed building)	S
Spectator Sports Arenas (private)	R
Theaters	R
Theaters – Drive-In	R
Zoos & Botanical Gardens	S

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TABLE OF PERMITTED USES & SPECIAL LAND USES	
<i>R = Permitted by right</i> <i>S = Permitted with a Special Use Permit</i> <i>*supplemental development regulations</i>	C
Commercial, Services & Retail	
Automobile Body/Paint/Interior & Glass Repair §9.2	S†
Automobile Mechanical & Electrical Repair & Maintenance (including boats, RVs, & recreational equipment) §9.2	S†
Automobile Service Stations/ Oil Change & Lubrication Shops §9.2	S†
Automobile Towing Services	S
Business, Labor, Political & Like Organizations	R
Car Wash Facilities §9.6	R†
Cash Advance Stores	R
Commercial Equipment Repair & Maintenance	R
Commercial/Industrial Equipment Rental/Leasing/Sales Yards	R
Dry Cleaning & Laundry Services	R
Electronic & Precision Equipment Repair & Maint.	R
Equipment Rental & Sales	R
Extermination & Pest Control Services	R
Film & Recording Studios	R
Financial Institutions	R
Financial Institutions with Drive-Through §9.9	R†
Fix-It Shops	R
Flea Market	R
Funeral Homes & Mortuaries	R
General Rental Centers	R
Health Spas	R
Interior Designers/Showrooms	R
Laboratories	R
Locksmiths	R
Personal & Household Goods Repair & Maintenance	R
Personal Services (barber/beauty shops, tailoring)	R
Pet Care (except Veterinary and Animal Shelters)	R

TABLE OF PERMITTED USES & SPECIAL LAND USES	
<i>R = Permitted by right</i> <i>S = Permitted with a Special Use Permit</i> <i>*supplemental development regulations</i>	C
Commercial, Services & Retail	
Photofinishing/Photographers	R
Printing/Publishing/Copying/Newspaper Office	R
Professional Cleaning Services	R
Professional Offices/Real Estate Offices/Insurance Offices	R
Retail Trade:	
Automotive Accessory Sales	R
Bait & Tackle Shops	R
Bike Shops	R
Building Material & Garden Equipment & Supplies Dealers	R
Electronics & Appliance Stores	R
Clothing & Clothing Accessories Stores	R
Farm Markets	R
Firearms Stores	R
Florists	R
Food & Beverage Stores; Bakery	R
Furniture & Home Furnishings Stores	R
General Merchandise Stores; Medical Supplies; Pharmacy	R
Gift Shops	R
Hardware Stores	R
Health & Personal Care Stores	R
Home Improvement Centers	R
Manufactured Home Dealer §9.19	S†
Movie Rental Stores	R
Office Supply Stores	R
Outdoor Sales Facilities (open air sales) §9.19	R†
Pawn Shops/Resale Shops	R
Small-Scale Craft Making (i.e. cabinet shop, candle-making, etc)	R
Sporting Goods, Hobby, Book & Music Stores	R
Truck & heavy equipment sales/service establishments §9.19	S†
Vehicle Dealers & Leasing §9.19	S†

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TABLE OF PERMITTED USES & SPECIAL LAND USES	
<i>R</i> = Permitted by right <i>S</i> = Permitted with a Special Use Permit <i>*supplemental development regulations</i>	C
Commercial, Services & Retail	
Sexually Oriented Businesses §9.22	S⁺
Studios for Dance, Exercise, Karate & Similar	R
Tattoo/Piercing Parlor	S
Construction	
Building, Developing & General Contracting (no outside storage of materials)	R
Special Trade Contractors (ex: electrical, plumbing)	R
Storage Facilities for Building Materials/Contractor's Equipment §9.24	R⁺
Educational & Institutional Services	
Private Instructional Facilities	R
Public or Private Schools	R
Religious Institutions	S
Human Care & Social Assistance	
Adult Day Care Facilities - not in private home	R
Child Care Centers or Day Care Centers §9.4	R⁺
Health Care Clinics/Dental Clinics	R
Social Assistance incl. Individual & Family Services, Community/Emergency & Other Relief Services & Vocational Rehabilitation Services	R
Manufacturing, Industrial & Waste Management	
Printing & Related Support Activities	R

TABLE OF PERMITTED USES & SPECIAL LAND USES	
<i>R</i> = Permitted by right <i>S</i> = Permitted with a Special Use Permit <i>*supplemental development regulations</i>	C
Public Facilities	
Community Centers	R
General Government Administration Facilities	R
Libraries	R
Police/Fire Stations	R
Public Parks, Playgrounds, & Recreation Areas	R
Residential Uses	
Accessory Buildings/Structures	R
Amateur Radio Antennae (roof- or ground-mounted) §9.25.B	R⁺
Dwelling Units in Support of Commercial Establishment	R
Planned Unit Developments §9.20	S⁺
Senior Citizen Apartment Complexes	S
Transportation, Storage & Wholesale	
Charter Boat Facilities	S
Couriers/Parcel Packing/Delivery Establishments	R
Postal Service	R
Scenic/Sightseeing Transit/ Passenger Transportation	R
Warehousing & Storage §9.24	R⁺
Wholesale Trade	R
Utilities, Energy & Communications	
Antenna co-located on existing telecommunications towers or alternative tower structures §9.25	R⁺
Commercial Wind Energy Facilities/Anemometer Towers §9.26	S⁺
On-Site Wind Energy Systems §9.26	R⁺
Wireless Support Structures, Alternative Tower Structures, Small Cell Wireless Facilities, Ground-Mounted Wireless Facilities §9.25	S⁺

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C. **Development Standards for C District:** Principal buildings within this district shall adhere to the standards within this table unless specifically stated otherwise in this Ordinance:

C

1. Lot & Structure Standards

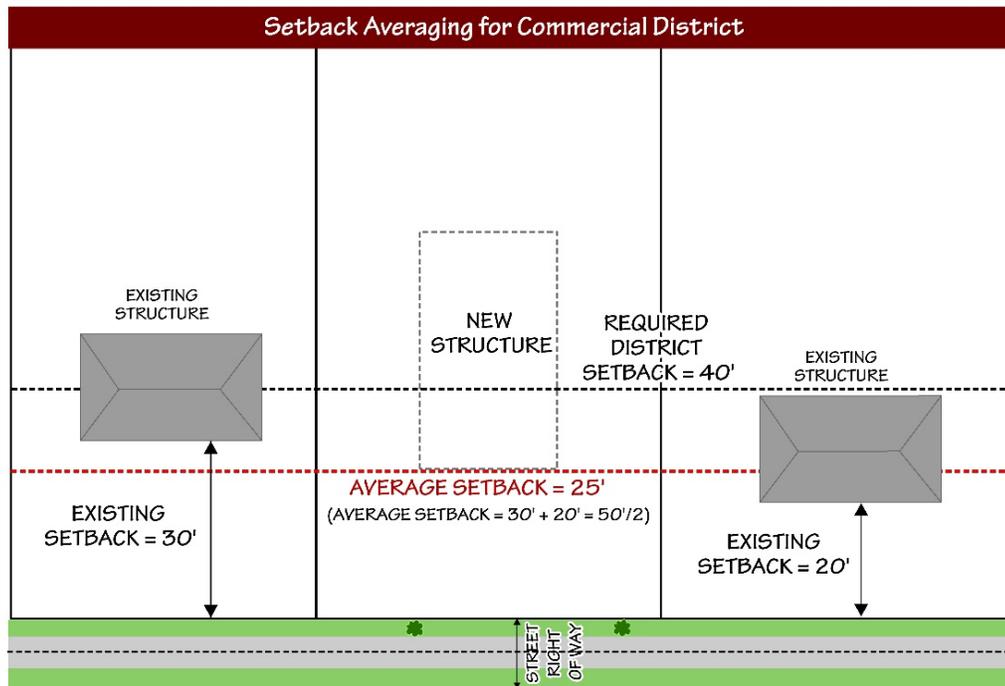
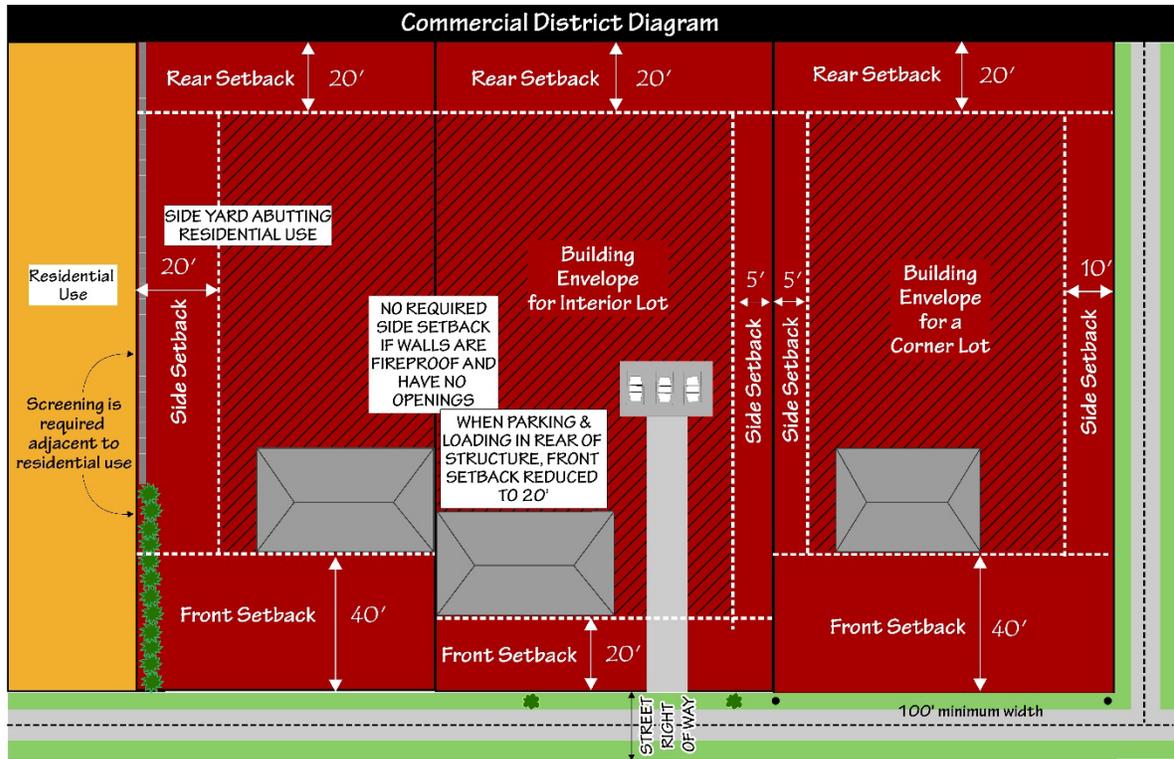
a. Lot Area (min)	N/A
b. Lot Width (min)	N/A (§5.10)
c. Building Height (max)	32 ft (§5.10)
d. Floor Area (min)	N/A
e. % of Lot Coverage (max)	N/A

2. Setbacks (minimum)

a. Front	40 ft On lakefront lots, front setbacks shall be met on the lakefront lot line and the roadside lot line.
	Where established buildings on adjacent lots vary from this minimum, a new building may be constructed with a front setback equal to the average setback of the existing buildings on immediately adjacent lots. This shall not be interpreted to require a front setback of more than 40 feet nor less than 15 feet.
	If parking and loading spaces are confined to the rear of the principal structure, the required front yard setback may be reduced to 20 feet or equal to the average setback of existing buildings on immediately adjacent lots whichever is less (but no less than 15 feet).
b. Side, Interior	5 ft
	Side setbacks may be omitted if walls abutting adjacent buildings are of fireproof construction and wholly without openings or as otherwise specified in the Bldg Code.
	Where a side yard abuts a lot with a residential use, there shall be provided a side setback of not less than 20 feet on the side abutting the residential use.
c. Side, Corner	10 ft
d. Rear	20 ft

3. Additional Development Standards

a. Accessory Structures	See §3.5
b. Fences	See §3.19
c. Screening	Screening shall be provided per §3.20 when a non-residential use in this zone abuts a residential use or a conservation resources 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.
d. Signs	See §3.30
e. Site Plan	A site plan shall be submitted for each permitted use in this district in accordance with Article 7 of this Ordinance. Said plan shall indicate or illustrate how the requirements of this Section are being met.
f. Storage Areas	All outside storage areas for trash shall be enclosed by a 6-foot-high solid wall or privacy fence. Outside storage of equipment or materials shall be located in the rear or side yards, screened from view, and vehicular access to such storage shall be maintained.
g. Projections, Decks, Patios	See §3.11



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Section 5.7 (CF) Community Facilities District

A. **Purpose:** This district is designated as a district to serve the local populace. The activities permitted within this zone are compatible with each other and are designed to promote efficiency in the administration of local services.

CF

B. **Uses Allowed:** Permitted and Special Land Uses shall be limited to the uses listed in the following table (and [Table 5.9: Table of Permitted and Special Land Uses](#)) and shall be subject to the provisions of [Article 7: Plot Plans and Site Plan Review](#), [Article 8: Special Land Uses](#), and the applicable portions of [Article 9: Supplemental Regulations](#).

TABLE OF PERMITTED USES & SPECIAL LAND USES	
<i>R = Permitted by right</i>	CF
<i>S = Permitted with a Special Use Permit</i>	
<i>*supplemental development regulations</i>	
Arts, Entertainment & Recreation	
Museums	R
Performing Arts Companies; Dance, Music, Voice Studio	R
Commercial, Services & Retail	
Cemeteries §9.7	R⁺
Laboratories	R
Educational & Institutional Services	
Private instructional facilities	R
Public or private schools	R
Human Care & Social Assistance	
Hospitals	R
Nursing/Convalescent Home	S
Other Residential Care Facilities (substance abuse, correctional)	S
Social Assistance incl. Individual & Family Services, Community/Emergency & Other Relief Services & Vocational Rehabilitation Services	R

TABLE OF PERMITTED USES & SPECIAL LAND USES	
<i>R = Permitted by right</i>	CF
<i>S = Permitted with a Special Use Permit</i>	
<i>*supplemental development regulations</i>	
Public Facilities	
Community Centers	R
General Government Administration Facilities	R
Libraries	R
Police/Fire Stations	R
Public Parks, Playgrounds, & Recreation Areas	R
Residential Uses	
Accessory Buildings/Structures	R
Amateur Radio Antennae (roof- or ground-mounted) §9.25.B	R⁺
Planned Unit Developments §9.20	S⁺
Transportation, Storage & Wholesale	
Postal Service	R
Utilities, Energy & Communications	
On-Site Wind Energy Systems §9.26	R⁺
Public Utility Facilities (without storage yards)	S
Public Utility Facilities (with storage yards) §9.24	S⁺

C. **Development Standards for CF District:** Principal buildings within this district shall adhere to the standards within this table unless specifically stated otherwise in this Ordinance:

CF

1. Lot & Structure Standards

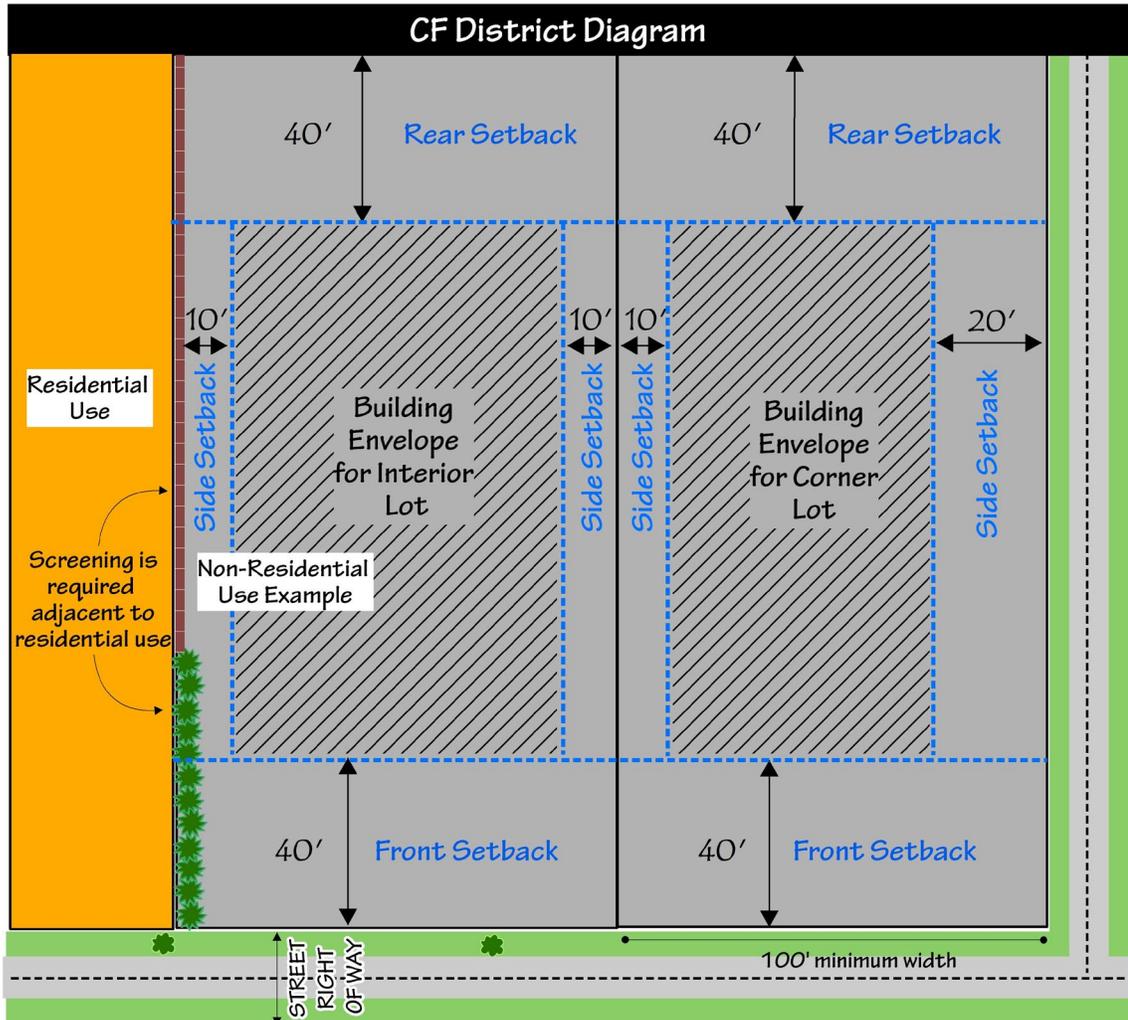
a. Lot Area (min)	40,000 sq ft
b. Lot Width (min)	100 ft Each lot will not exceed a depth-to-width ratio of 4:1 (§5.10)
c. Building Height (max)	32 ft (§5.10)
d. Floor Area (min)	N/A
e. % of Lot Coverage (max)	N/A

2. Setbacks (minimum)

a. Front	40 ft On lakefront lots, front setbacks shall be met on the lakefront lot line and the roadside lot line.
b. Side, Interior	10 ft
c. Side, Corner	20 ft
d. Rear	40 ft

3. Additional Development Standards

a. Accessory Structures	See §3.5
b. Fences	See §3.19
c. Screening	Screening shall be provided per §3.20 when a non-residential use in this zone abuts a residential use or a conservation resources 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.
d. Signs	See §3.30
e. Site Plan	A site plan shall be submitted for each permitted use in this district in accordance with Article 7 of this Ordinance. Said plan shall indicate or illustrate how the requirements of this Section are being met.
f. Storage Areas	All outside storage areas for trash shall be enclosed by a 6-foot-high solid wall or privacy fence. Outside storage of equipment or materials shall be located in the rear or side yards, screened from view, and vehicular access to such storage shall be maintained.
h. Projections, Decks, Patios	See §3.11



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Section 5.8 (I) Industrial District

- A. **Purpose:** The purpose of this district is to provide areas for industrial sites occupied by manufacturing plants, assembling and fabrication activities including large scale or specialized industrial operations, laboratories, distribution warehouses and similar uses. It is the intent of this district to permit only those industrial operations having characteristics which emit a minimum amount of discernible noise, vibration, smoke, dust, dirt, glare, toxic materials, offensive odors, gases, electromagnetic radiation or any other physically adverse effects which are discernible beyond the lot lines of the parcel upon which the industrial activity is located. Since this area is not anticipated to be served by public water or sewer systems in the foreseeable future, development regulations will contain groundwater protection standards.
- B. **Uses Allowed:** Permitted and Special Land Uses shall be limited to the uses listed in the following table (and [Table 5.9: Table of Permitted and Special Land Uses](#)) and shall be subject to the provisions of [Article 7: Plot Plans and Site Plan Review](#), [Article 8: Special Land Uses](#), and the applicable portions of [Article 9: Supplemental Regulations](#).



TABLE OF PERMITTED USES & SPECIAL LAND USES	
<i>R = Permitted by right</i> <i>S = Permitted with a Special Use Permit</i> <i>*supplemental development regulations</i>	I
Agriculture, Forest Products & Animal Services	
Bulk Seed, Feed, Fertilizer & Nursery Stock Outlet & Distribution Centers	R
Lumberyards §9.14	R [†]
Slaughter Houses/Meat Packing Houses	S
Commercial, Services & Retail	
Laboratories	R
Construction	
Building, Developing & General Contracting (no outside storage of materials)	R
Special Trade Contractors (ex: electrical, plumbing)	R
Storage Facilities for Building Materials/Contractor's Equipment §9.24	R [†]
Manufacturing, Industrial & Waste Management	
Bulk Storage & Distribution Facilities for Petroleum & Gas Products, Paint & Chemicals	S
Computer, Electronic, & Appliance Product Mfg	R

TABLE OF PERMITTED USES & SPECIAL LAND USES	
<i>R = Permitted by right</i> <i>S = Permitted with a Special Use Permit</i> <i>*supplemental development regulations</i>	I
Manufacturing, Industrial & Waste Management	
Crematorium	S
Dry Bulk Blending Plants	R
Extractive Industry: Mines, quarries, gravel pits, & materials processing §9.10	S [†]
Food/Beverage Processing & Packaging	R
Furniture & Related Product Mfg	R
Glass Products Manufacturing	R
Industrial Parks	R
Junkyards/Landfills/Salvage Yards §9.11	S [†]
Leather & Allied Product Mfg	R
Miscellaneous Mfg	R
Oil and Gas Processing Facilities	S
Printing & Related Support Activities	R
Recycling Facilities /Transfer Stations	S
Research & Design Facilities	R
Sign Production & Painting	R
Textile & Apparel Mfg	R

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TABLE OF PERMITTED USES & SPECIAL LAND USES	
<i>R = Permitted by right</i>	I
<i>S = Permitted with a Special Use Permit</i>	
<i>*supplemental development regulations</i>	
Manufacturing, Industrial & Waste Management	
Tool, Die, Gauge, Metal, Machine shops	R
Waste Collection Services	S
Waste Treatment & Disposal Services	S
Wood Product Mfg	R
Residential Uses	
Accessory Buildings/Structures	R
Dwelling Units in Support of Commercial Establishment	S
Planned Unit Development §9.20	S†
Transportation, Storage & Wholesale	
Airports & Landing Fields §9.1	S†
Couriers/Parcel Packing/Delivery Establishments	R
Distribution Centers	R
Postal Service	R
Rail yards	S
Scenic/Sightseeing Transit/ Passenger Transportation	R
Truck Transportation Facilities	R
Warehousing & Storage §9.24	R†
Wholesale Trade	R
Utilities, Energy & Communications	
Commercial Wind Energy Facilities/Anemometer Towers §9.26	S†
On-Site Wind Energy Systems §9.26	R†
Public Utility Facilities (without storage yards)	R
Public Utility Facilities (with storage yards) §9.24	R†

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- c. **Development Standards for I District:** Principal buildings within this district shall adhere to the standards within this table unless specifically stated otherwise in this Ordinance:

I

1. Lot & Structure Standards

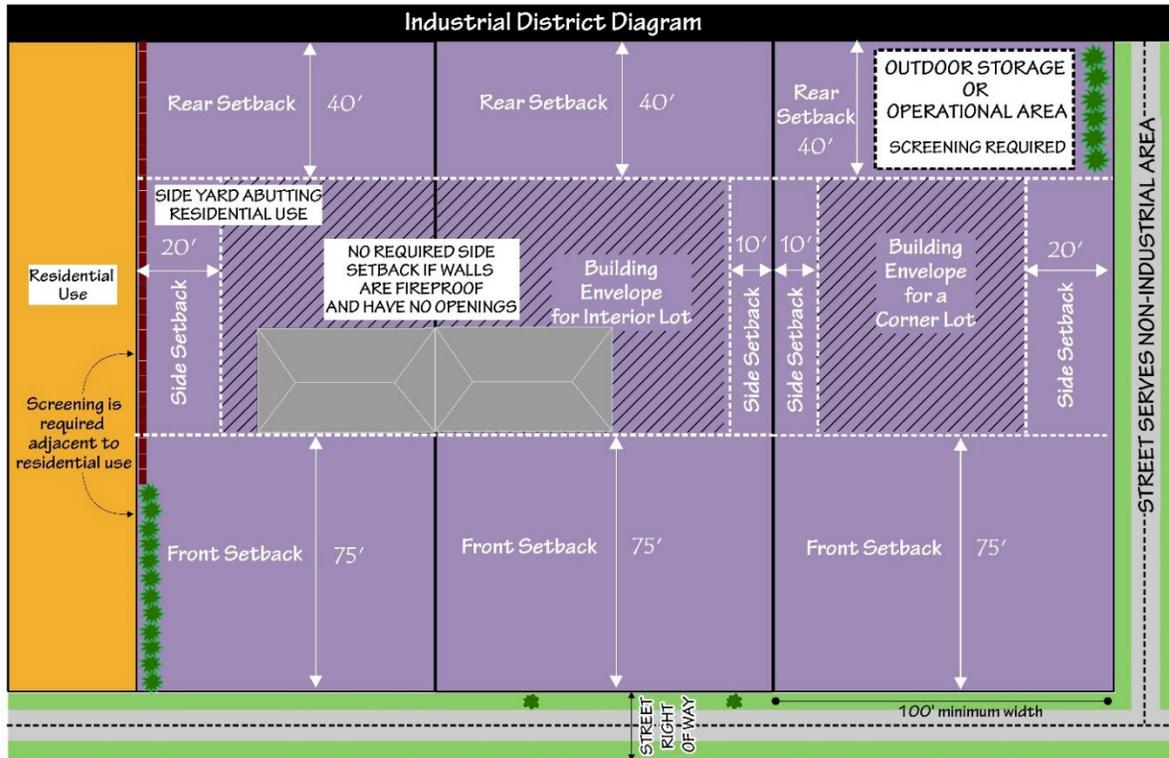
a. Lot Area (min)	40,000 sq ft
b. Lot Width (min)	100 ft Each lot will not exceed a depth-to-width ratio of 4:1 (§5.10)
c. Building Height (max)	32 ft (§5.10)
d. Floor Area (min)	N/A
e. % of Lot Coverage (max)	N/A

2. Setbacks (minimum)

a. Front	75 ft On lakefront lots, front setbacks shall be met on the lakefront lot line and the roadside lot line.
b. Side, Interior	10 ft Where a side yard abuts a lot with a residential use, there shall be provided a side setback of not less than 20 feet on the side abutting the residential use.
c. Side, Corner	20 ft
d. Rear	40 ft

3. Additional Development Standards

a. Accessory Structures	See §3.5
b. Fences	See §3.19
c. Screening	Screening shall be provided per §3.20 when an industrial or commercial use abuts a residential use on either of the side lot lines or on the rear lot line.
	Screening shall be provided per §3.20 whenever outdoor storage areas or operational activities abut a public street that extends through the Industrial District and serves non-industrial areas. This may be provided as part of the side setback or rear setback requirement.
d. Signs	See §3.30
e. Site Plan	A site plan shall be submitted for each permitted use in this district in accordance with Article 7 of this Ordinance. Said plan shall indicate or illustrate how the requirements of this Section are being met.
f. Storage Areas	All outside storage areas for trash shall be enclosed by a 6-foot-high solid wall or privacy fence. Outside storage of equipment or materials shall be located in the rear or side yards, screened from view, and vehicular access to such storage shall be maintained.
g. Discontinued or Abandoned Uses	When discontinued or abandoned, the site shall be left in a reusable condition and free of hazards related to dangerous structures, pits, pools, excavations, electric circuits, and similar features.
i. Projections, Decks, Patios	See §3.11



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Section 5.9 Full Table of Permitted Uses & Special Uses

Permitted and Special Uses shall be limited to those listed in the following Table of Permitted and Special Uses and listed in the individual use tables within each district section (above). Uses not listed are not permitted. Unlisted uses are subject to **Section 4.7**.

Alcona Township Zoning Districts	
R-1	Single-Family Residential District
R-2	Low- to Medium-Density Residential District
R-3	Multiple-Family Residential District
R-4	Manufactured Housing Community District
AG	Agricultural District
FR	Forest Recreational District
C	Commercial District
CF	Community Facilities District
I	Industrial District

Land Use Categories	Pg
Accommodation & Food/Event Services	5-35
Agriculture, Forest Products & Animal Services	5-36
Arts, Entertainment & Recreation	5-37
Commercial, Services & Retail	5-38
Construction	5-40
Educational & Institutional Services	5-40
Human Care & Social Assistance	5-40
Manufacturing, Industrial & Waste Management	5-41
Public Facilities	5-42
Residential Uses	5-42
Transportation, Storage & Wholesale	5-43
Utilities, Energy & Communications	5-43

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TABLE 5.9: TABLE OF USES PERMITTED BY RIGHT & SPECIAL LAND USES

R = Permitted by right S = Permitted with a Special Land Use Permit *SUPPLEMENTAL SITE DEVELOPMENT REGULATIONS APPLY	R-1	R-2	R-3	R-4	AG	FR	C	CF	I
Accommodation & Food/Event Services									
Bakeries, Coffee Shops, Confectionary Shops, Ice Cream Shops							R		
Bed & Breakfasts §9.3		S†	S†		S†	S†			
Caterers							R		
Campgrounds & RV Parks §9.5					S†	S†			
Commercial Events Facilities					S	S	S		
Drinking Establishments (bars & taverns)							R		
Food Service Contractors							R		
Hotels, Motels, Cabin Courts & Short Term Rentals							R		
Inns							R		
Microbreweries & Distilleries							R		
Mobile Food Services							R		
Resorts					S	S	R		
Restaurants without Drive-Through							R		
Restaurants with Drive-Through §9.9							R†		
Rooming Houses		S	S		S	S			
Tourist Homes §9.3		S†	S†		S†	S†			

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TABLE 5.9: TABLE OF USES PERMITTED BY RIGHT & SPECIAL LAND USES

R = Permitted by right S = Permitted with a Special Land Use Permit *SUPPLEMENTAL SITE DEVELOPMENT REGULATIONS APPLY	R-1	R-2	R-3	R-4	AG	FR	C	CF	I
Agriculture, Forest Products & Animal Services									
Agricultural Businesses related to the sale of field crops, forest products, & livestock raised or cultivated on the property					R	R			
Agricultural Products Processing					R				
Animal Shelter/Kennels §9.12					S†		S†		
Biofuel Production Facilities on Farms §9.29					RS†	S†			
Bulk Seed, Feed, Fertilizer & Nursery Stock Outlet & Distribution Centers					R	R	R		R
Cider Mills/Wineries					R	R			
Dog Grooming Establishments					R	R	R		
Farms & Agricultural Operations					R	R			
Forestry & Forest Management (including timber harvesting)					R	R			
Game Preserves (where game is hunted)					R	R			
Greenhouse, Nursery, Landscaping & Floriculture Production					R	R	R		
Lumberyards §9.14						S†	R†		R†
Raising & Growing Plants, Trees, Shrubs, Nursery Stock					R	R			
Riding Arenas or Boarding Stables §9.23					R†	R†			
Roadside Stands					R	R			
Sawmills, Planing Mills, & Veneer Mills (that operate for more than 60 days) §9.15					S†	S†			
Seasonal Outdoor Mazes (of agricultural origin)					R	R			
Seasonal "U-Pick" Fruit & Vegetable Operations					R	R			
Slaughter Houses/Meat Packing Houses					S				S
Veterinary Services/Animal Clinics/Animal Hosp. §9.12					S†		S†		
Uses related to Agricultural Tourism (see following):									
Bakeries selling goods grown primarily on-site					R	R			
Educational tours, classes, lectures, & seminars					R	R			
Family-oriented animated barns (fun houses, haunted houses)					R	R			
Gift shops for agriculturally-related products, crafts					R	R			
Historical agricultural exhibits					R	R			
Kitchen facilities, processing/cooking items for sale					R	R			
Organized meeting space (weddings, birthdays, corporate picnics)					S	S			
Petting farms, animal display, & pony rides					R	R			
Picnic areas (including rest rooms)					R	R			

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TABLE 5.9: TABLE OF USES PERMITTED BY RIGHT & SPECIAL LAND USES

R = Permitted by right S = Permitted with a Special Land Use Permit *SUPPLEMENTAL SITE DEVELOPMENT REGULATIONS APPLY	R-1	R-2	R-3	R-4	AG	FR	C	CF	I
Agriculture, Forest Products & Animal Services (continued)									
Playgrounds, wagon/sleigh rides, nature trails					R	R			
Restaurant operations related to the agricultural use of the site					S	S			
Small-scale entertainment (music concert, car show, art fair)					S	S			
Arts, Entertainment & Recreation									
Archery Ranges (indoor)					R	R	R		
Archery Ranges (outdoor)					R	R			
Amusement Arcades							R		
Art Galleries & Art Studios (not in home)							R		
Boat & Canoe Liveries					R	R			
Bowling Centers/Billiard Clubs							R		
Commercial Docking or Otherwise Storing of Boats, Launch Ramps, Associated Parking Area, & other Water-Related Supportive Uses - provided they are located a minimum of 50 feet from the lot line of a residential use or residentially-zoned lot.	S	S	S		R	R			
Equipment Rental (motorized or nonmotorized)							R		
Fitness/Recreational Sports Centers/Indoor Skating Rinks							R		
Golf Courses/Country Clubs/Golf Driving Range					S	S			
Nature Parks & Recreation Areas (private)					R	R	R		
Marinas							S		
Museums							R	R	
Outdoor Recreational Facilities (private) (ex: mini golf, go-karts) §9.18					S ⁺	S ⁺	S ⁺		
Performing Arts Companies; Dance, Music, Voice Studio							R	R	
Private Clubs; Lodges	S	S	S		R	R	R		
Race Tracks							S		
Shooting Ranges (in a completely enclosed building)							S		
Spectator Sports Arenas (private)					S		R		
Sports Clubs					R	R			
Theaters							R		
Theaters – Drive-In							R		
Zoos & Botanical Gardens					S	S	S		

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Commercial, Services & Retail									
Automobile Body/Paint/Interior & Glass Repair §9.2							S ⁺		
Automobile Mechanical & Electrical Repair & Maintenance (including boats, RVs, & recreational equipment) §9.2							S ⁺		
Automobile Service Stations/ Oil Change & Lubrication Shops §9.2							S ⁺		
Automobile Towing Services							S		
Business, Labor, Political & Like Organizations							R		
Car Wash Facilities §9.6							R ⁺		
Cash Advance Stores							R		
Cemeteries §9.7					R ⁺	R ⁺		R ⁺	
Commercial/Industrial Equipment Rental/Leasing/Sales Yards							R		
Commercial Equipment Repair & Maintenance							R		
Dry Cleaning & Laundry Services							R		
Electronic & Precision Equipment Repair & Maintenance							R		
Equipment Rental & Sales							R		
Extermination & Pest Control Services							R		
Film & Recording Studios							R		
Financial Institutions							R		
Financial Institutions with drive-through §9.9							R ⁺		
Fix-It Shops							R		
Flea Market							R		
Funeral Homes & Mortuaries							R		
General Rental Centers							R		
Interior Designers/Showrooms							R		
Laboratories							R	R	R
Personal & Household Goods Repair & Maintenance							R		
Personal Services (barber/beauty shops, tailoring)							R		
Pet Care (except Veterinary & Animal Shelters)							R		
Photofinishing/Photographers							R		
Printing/Publishing/Copying/Newspaper Office							R		
Professional Cleaning Services							R		
Professional Offices/Real Estate Offices/Insurance Offices							R		

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Commercial, Services & Retail (continued)									
Retail Trade:									
Automotive Accessory Sales							R		
Bait & Tackle Shops							R		
Bike Shops							R		
Building Material & Garden Equipment & Supplies Dealers					S		R		
Electronics & Appliance Stores							R		
Clothing & Clothing Accessories Stores							R		
Farm Markets					R	R	R		
Firearms Stores							R		
Florists							R		
Food & Beverage Stores; Bakery							R		
Furniture & Home Furnishings Stores							R		
General Merchandise Stores; Medical Supplies; Pharmacy							R		
Gift Shops							R		
Hardware Stores							R		
Health & Personal Care Stores							R		
Home Improvement Centers							R		
Manufactured Home Dealer §9.19							S†		
Movie Rental Stores							R		
Office Supply Stores							R		
Outdoor Sales Facilities (open air sales) §9.19							R†		
Pawn Shops/Resale Shops							R		
Small-Scale Craft Making (i.e. cabinet shop, candle-making, etc)							R		
Sporting Goods, Hobby, Book & Music Stores							R		
Truck & heavy equipment sales/service establishments §9.19					S		S†		
Vehicle Dealers & Leasing §9.19							S†		
Sexually Oriented Businesses §9.22							S†		
Studios for Dance, Exercise, Karate & Similar							R		
Tattoo/Piercing Parlors							S		

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Construction									
Building, Developing & General Contracting (no outside storage of materials)					R	R	R		R
Special Trade Contractors (ex: electrical, plumbing)					S	S	R		R
Storage Facilities for Building Materials/Contractor's Equipment §9.24					S ⁺	S ⁺	R ⁺		R ⁺
Educational & Institutional Services									
Private Instructional Facilities							R	R	
Public or Private Schools							R	R	
Religious Institutions	S	S	S		S	S	S		
Human Care & Social Assistance									
Adult Day Care Facilities (6 or less adults) – IN PRIVATE HOME	R	R	R	R	R	R			
Adult Day Care Facilities (greater than 6 adults) – IN PRIVATE HOME	S	S	S	S	S	S			
Adult Day Care Facilities NOT IN PRIVATE HOME							R		
Adult Foster Care Family Homes & State-Licensed Residential Facilities (6 or less)	R	R	R	R	R	R			
Adult Foster Care Facilities (more than 6) including Small Group Homes, Large Group Homes & Congregate Facilities		S	S						
Child Day Care Services (see following)									
Family Child Care Homes	R	R	R	R	R	R			
Group Child Care Homes §9.4	S ⁺								
Child Care Centers or Day Care Centers §9.4							R ⁺		
Health Care Clinics/Dental Clinics							R		
Hospitals								R	
Nursing/Convalescent Homes		S	S					S	
Other Residential Care Facilities (substance abuse, correctional)		S	S					S	
Social Assistance (see following)									
Individual & Family Services							R	R	
Community/Emergency & Other Relief Services							R	R	
Vocational Rehabilitation Services							R	R	

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Manufacturing, Industrial & Waste Management									
Bulk Storage & Distribution Facilities for Petroleum & Gas Products, Paint & Chemicals									S
Computer, Electronic, & Appliance Product Mfg									R
Crematorium									S
Dry Bulk Blending Plants									R
Extractive Industry: Mines, quarries, gravel pits, & materials processing §9.10						S†			S†
Food/Beverage Processing & Packaging									R
Furniture & Related Product Mfg									R
Glass Products Manufacturing									R
Industrial Parks									R
Junkyards/Landfills/Salvage Yards §9.11									S†
Leather & Allied Product Mfg									R
Miscellaneous Mfg									R
Oil & Gas Processing Facilities									S
Printing & Related Support Activities							R		R
Recycling Facilities /Transfer Stations									S
Research & Design Facilities									R
Sign Production & Painting									R
Textile & Apparel Mfg									R
Tool, Die, Gauge, Metal, Machine shops									R
Waste Collection Services									S
Waste Treatment & Disposal Services									S
Wood Product Mfg									R

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R = Permitted by right Permit S = Permitted with a Special Land Use Permit *SUPPLEMENTAL SITE DEVELOPMENT REGULATIONS APPLY	R-1	R-2	R-3	R-4	AG	FR	C	CF	I
Public Facilities									
Community Centers							R	R	
General Government Administration Facilities							R	R	
Libraries							R	R	
Police/Fire Stations							R	R	
Public Parks, Playgrounds, & Recreation Areas	R	R	R	R	R	R	R	R	
Residential Uses									
Accessory Buildings/Structures	R	R	R	R	R	R	R	R	R
Amateur Radio Antennae (roof- or ground-mounted) §9.25.B	R ⁺	R ⁺	R ⁺		R ⁺	R ⁺	R ⁺	R ⁺	
Dwelling Units in Support of Commercial Establishment					R	R	R		S
Home Based Businesses/Cottage Industries §3.18	R	R	R	R	R	R			
Keyhole Developments §9.13	S ⁺								
Manufactured Housing Communities §9.16				S ⁺					
Multiple-Family Dwellings §9.17			S ⁺						
Planned Unit Developments §9.20		S ⁺	S ⁺		S ⁺				
Platted Subdivisions	R								
Secondary Dwelling Units §9.21		R ⁺							
Senior Citizen Apartment Complex		S	S			S	S		
Single-Family Dwellings (year round & seasonal)	R	R	R	R	R	R			
Townhouses/Condominiums		S	S						
Two-Family Dwellings		R	R	R	R	R			

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Transportation, Storage & Wholesale									
Airports & Landing Fields §9.1					S†				S†
Charter Boat Facilities							S		
Couriers/Parcel Packing/Delivery Establishments							R		R
Distribution Centers									R
Postal Service							R	R	R
Rail yards									S
Scenic/Sightseeing Transit/Ground Passenger Transp.							R		R
Truck Transportation Facilities									R
Warehousing & Storage §9.24							R†		R†
Wholesale Trade							R		R
Utilities, Energy & Communications									
Antenna co-located on existing telecommunications towers or alternative tower structures §9.25					R†	R†	R†		
Commercial Wind Energy Facilities & Anemometer Towers §9.26					S†	S†	S†		S†
On-Site Wind Energy Systems §9.26	R†	R†	R†		R†	R†	R†	R†	R†
Public utility facilities (without storage yards)								S	R
Public utility facilities (with storage yards) §9.24								S†	R†
Solar Energy Facility (Utility-Scale) §9.27					S†	S†			
Solar Energy Panels (Accessory) §9.27					R†	R†			
Wireless Support Structures; Alternative Tower Structures; Small Cell Wireless Facilities; Ground-Mounted Wireless Facilities §9.25					S†	S†	S†		

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Section 5.10 Schedule of Regulations

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

Zoning District	District Name	Minimum Lot Area ¹		Maximum Height of Structure ²	Minimum Setbacks				Minimum Floor Area ³	Maximum % of Lot Coverage ⁴	Minimum Building Width ⁵	Section Index
		Area	Width		Front (e)	Interior Side	Corner Side	Rear				
R-1	Single-Family Residential	20,000 ft ²	100'	32'	40'	10'	10'	40'	800 ft ²	35%	20 ft	5.1
R-2	Low to Medium Density Residential	20,000 ft ²	100'	32'	40'	10'	10'	40'	800 ft ² (a)	35%	20 ft	5.2
R-3	Multiple-Family Residential (see §9.17 for setbacks for multiple-family)	20,000 ft ² (40,000 ft ² for multiple-family)	100' (200' ft ² for multiple-family)	32'	40'	10'	10'	40'	800 ft ² (a)	35%	n/a	5.3
R-4	Manufactured Housing Community District	10 acres per park	(b)	(b)	(b)	(b)	(b)	(b)	(b)	(b)	n/a	5.4
AG	Agriculture	10 acres	300'	32'	40'	10'	10'	40'	800 ft ²	35%	n/a	5.5
FR	Forest Recreational	20,000 ft ²	100'	32'	40'	10'	10'	40'	800 ft ²	35%	n/a	5.6
C	Commercial	n/a	n/a	32'	40' (c)	5' (d)	10'	20'	n/a	n/a	n/a	5.7
CF	Community Facilities	40,000 ft ²	100'	32'	40'	10'	20'	40'	n/a	n/a	n/a	5.8
I	Industrial	40,000 ft ²	100'	32'	75'	10'	20'	40'	n/a	n/a	n/a	5.9

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Footnotes for Headers in Schedule of Regulations:

¹ Each lot will not exceed a depth to width ratio of 4:1 except as allowed by Act 288 of 1967 (Land Division Act) section 560.109 (1b) (The municipality having authority to review proposed divisions may allow a greater depth to width ratio than that otherwise required based on exceptional topographic or physical conditions with respect to the parcel and compatibility with surrounding lands.) The depth to width ratio requirements of this land division do not apply to parcels larger than then (10) acres.

² Height regulations shall apply to any area that could be used as living or commercial space (belfries, etc.), but shall not apply to areas that could not be used for living or commercial space (chimneys, etc.). Height restrictions do not apply to agricultural accessory structures, wind turbines, anemometer towers, radio and television towers, telecommunication towers and related facilities.

³ Applies to permanent dwelling units and does not include seasonal cottages, cabins, motels or similar uses.

⁴ Applies to percentage of lot coverage by permanent structures.

⁵ Continuous cross section (architectural elevation) of at least twenty (20) feet across one length and one depth dimension.

- A. An on-site (stick built) addition attached to a prefabricated or manufactured home does not constitute a continuous cross section.
- B. The joining of two or more sections of different prefabricated or manufactured homes does not constitute a continuous cross section.
- C. The joining of two (2) or more sections of the same prefabricated or manufactured home does constitute a continuous cross section.

Footnotes for Districts in Schedule of Regulations:

- (a) Each multiple-family dwelling unit in this zoning district shall have a minimum of six hundred (600) square feet of usable floor area exclusive of unenclosed porches, garages, and basements.
- (b) Manufactured Housing Communities 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

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requirements, fencing, screening, unit spacing and recreational and open spaces. All other uses shall comply with the area and height regulations of the R-2 District.

- (c) Where established buildings on adjacent lots vary from this minimum, a new building may be constructed with a front setback equal to the average setback of the existing buildings on immediately adjacent lots. This shall not be interpreted to require a front setback of more than forty (40) feet nor less than fifteen (15) feet. In addition, if parking and loading spaces are confined to the rear of the principal structure, the required front yard setback may be reduced to twenty (20) feet but no less than the average setback of existing buildings on immediately adjacent lots.
- (d) Side yards may be omitted if walls abutting adjacent buildings are of fireproof construction and wholly without openings or as otherwise specified in the Building Code. Where a side yard abuts a lot with a residential use, there shall be provided a setback of not less than twenty (20) feet on the side abutting the residential use.
- (e) On lakefront lots, front setbacks shall be met on the lakefront lot line and the roadside lot line.

Article 6 Nonconformities

Sec	Name	Pg
6.0	Purpose	6-1
6.1	Nonconforming Buildings & Structures	6-1
6.2	Nonconforming Uses	6-2
6.3	Nonconforming Lots of Record	6-3
6.4	Nonconforming Contiguous Parcels	6-4
6.5	Nonconforming Signs	6-4
6.6	Zoning Board of Appeals Variance	6-5

Section 6.0 - Purpose

It is the purpose of this Article to provide regulations governing buildings, structures, signs, and uses of parcels, lots, buildings, and structures which were legal before this Ordinance was adopted or amended. The lawful uses of land, buildings, structures, and signs in effect at the date of adoption of the Ordinance may be continued. Such uses, buildings, structures, lots, and signs shall be designated as “Nonconforming”. 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 nonconformities and to discourage anything that extends the normal useful life of a nonconformity. 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. The regulations contained in this Article are designed to ensure that such uses will be properly regulated so as to result in a minimum of disharmony between themselves and the districts in which they are located.

Section 6.1 - Nonconforming Buildings & 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

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construction of such building or structure has been substantially underway 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. An applicant for rebuilding of such a nonconforming building or structure shall make every attempt to rebuild the building to conform to current regulations if possible. Such rebuilding shall require Planning Commission approval.

- D. **Alterations of a Nonconforming Building or Structure:**
 - 1. Structural alterations or extensions which do not increase the nonconformity of the building or structure shall be permitted.
 - 2. Nothing in this Ordinance shall prevent the modification of a non-residential building when doing so is required in order to comply with barrier-free requirements and the Americans with Disabilities Act. A variance may be required.

- E. **Moving of a Nonconforming Building or Structure:** No such nonconforming building or structure, which is nonconforming due to setbacks, shall be moved in whole or in part to any other portions of the lot or parcel occupied, other than to correct or lessen the nonconforming conditions.

Section 6.2 – 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. All nonconforming uses shall be maintained in good condition.

- A. **Abandonment of a Nonconforming Use:** If a property owner has the intent to abandon a nonconforming use of land and in fact abandons a nonconforming use of land 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.

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- 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.
- C. **Expansion of Nonconforming Use:** Nonconforming uses may be expanded or increased in intensity of use upon issuance of a Special Land Use permit. For the purpose of this Section, increases in the intensity of use shall include, but shall not be limited to, such activities as the addition of one (1) or more dwelling units, the provision of additional manufacturing or selling area, or by the addition of facilities which would allow expansion of the nonconforming use or the establishment of another nonconforming use. The Planning Commission shall evaluate the expansion on the standards in §8.1.B in addition to the following:
- 1. The expansion shall not reduce the value or otherwise limit the lawful use of adjacent premises.
 - 2. The expansion will essentially retain the character and environment of abutting premises.
 - 3. The expansion will not cause, perpetuate or materially increase any nuisance aspects of the use upon adjacent uses (such as noise, glare, traffic congestion, or land over-crowding).
- D. **Damaged or Total Destruction of Buildings or Structures which are Used for Nonconforming Uses:** Any building or structure which is used for a nonconforming use may be reconstructed to its original configuration in the event it is destroyed or partially destroyed by explosive, fire, or other acts of God. An applicant for rebuilding of such a nonconforming use shall make every attempt to rebuild the building to conform to current regulations if possible. Such rebuilding shall require Planning Commission approval.

Section 6.3 - Nonconforming Lots of Record

Except as provided in §6.4, 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. Such lot must be in separate ownership and not of continuous frontage with other lots in the same ownership as of the date of adoption of this Ordinance. This provision shall apply even though such lot fails to meet the requirements for area or width applicable in the district, provided that yard dimensions and other requirements not involving area or width, or both, of the lot shall conform to the regulations for the district in which such lot is located.

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Section 6.4 – 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 6.5 – 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 **§6.5 (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 (50) of the value of such sign.
- F. **Abandoned Nonconforming On-Premise Signs.** If a nonconforming sign, other than an off-premise sign, is deemed abandoned, it 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. An abandoned one-half (1/2) sign is a sign to which any of the following applies:
 - 1. The sign has remained blank over a period of one (1) year.
 - 2. The sign’s message becomes illegible in whole or substantial part.

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3. A sign which has fallen into disrepair.
- G. **Abandoned Nonconforming Off-Premise Signs.** 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.

Section 6.6 – Zoning Board of Appeals Variance

Although it is the intent of this Ordinance to restrict the expansion and perpetuation of nonconforming uses of land and/or buildings or uses, the Zoning Board of Appeals, subject to a hearing, may allow an expansion or enlargement, provided that it is conclusively shown that such expansion or enlargement:

- A. Will not further reduce the value or otherwise limit the lawful use of adjacent properties
- B. Will essentially retain the character and environment of abutting premises.
- C. Will not materially increase or perpetuate the nuisance aspects of the use upon adjacent uses (noise, glare, traffic, congestion, land over-crowding, and related).

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Article 7

Plot Plans & Site Plan Review

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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 properly designed, safe, efficient, environmentally sound, and designed in such a 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 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. Name and address of the property owner(s), developer(s), and designer(s), and their interest in said properties.
- C. The scale and north arrow.
- D. Location of required setbacks of the zoning district.
- E. The location, shape, dimensions, and height of all structures or impervious surfaces 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.

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- F. The location and configuration of the lot access and driveway, drawn to scale.
- G. The location and width of all abutting rights-of-way, easements, and public open spaces within or bordering the subject project.
- H. Location of existing or proposed septic system and water well.
- I. 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.
- J. Natural features such as forests, water bodies, wetlands, high-risk erosion areas, slopes over ten (10) percent, drainage, and other similar features, if determined by the Zoning Administrator to be applicable.
- K. 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 two-family dwelling units; and b) accessory structures to single-family or two-family dwelling units.
 2. Expansion or renovation of an existing use, other than single-family or two-family dwelling units and accessory structures thereof, which increases the existing floor space more than twenty-five (25) percent.
 3. Changes of use for an existing structure or lot except for the circumstances listed in [§7.3](#).
 4. Any Special Land Use.
 5. Planned Unit Developments.
 6. Any use requiring off-street parking, except single-family or two-family dwelling units.
 7. Establishment of a plat, a condominium subdivision, or other form of real estate development on greater than 10 acres of land on any parcel of land, provided the plat, the condominium

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subdivision plan or other real estate development establishes either (a) more than two residential units or (b) any other use requiring a site plan under this Ordinance.

8. Other uses as required by this Ordinance.

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 **§9.20 (Planned Unit Developments)**, this conference is not mandatory but is recommended for 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 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. Name and address of the property owner(s), developer(s), and designer(s), and their interest in said properties.
2. The parcel’s legal description.
3. 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.
4. 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.
5. Boundary dimensions of environmental features such as forests, water bodies, wetlands, floodplains, high-risk erosion areas, slopes over ten (10) percent, drainage, and other similar features.
6. The location, dimension, and height of all existing structures and all proposed uses or structures on the site, including principal building(s), accessory structures, walkways, signs, exterior lighting, proposed drives, neighboring drives, curb cuts, vehicular circulation features, size and number of parking spaces, service lanes (show the dimensions of a typical parking stall and parking lot), loading and unloading areas, common use areas, recreational areas and facilities, and any

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impervious surface. An elevation drawing of the proposed building(s) is required in order to review the proposed building bulk and to verify height.

7. Area of the property subject to be covered by structures (not available as open space).
8. The location and width of all abutting rights-of-way, easements, utility lines, and public open spaces within or bordering the subject project.
9. 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.
10. The front yard dimensions of the nearest building on both sides of the proposed structure.
11. The existing zoning district in which the site is located and the zoning of adjacent parcels.
12. The location of all existing and proposed landscaping as well as all existing and proposed fences or walls.
13. The location, size, and slope of all surface and subsurface drainage facilities.
14. Location and status of any floor drains in structures on the site. The point of discharge for all drains and pipes shall be specified on the site plan.
15. Description and location of any existing or proposed outdoor storage facilities (above-ground and below-ground storage).
16. Description and location of on-site wastewater treatment and disposal systems.
17. Location of existing and proposed private drinking water wells, monitoring wells, test wells, irrigation wells, or wells used for industrial processes.
18. The location of snow storage areas.
19. 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 (10)percent or greater, contours shall be shown at height intervals of two (2) feet or less.
20. 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.

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- 21. 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.
- 22. 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.
- 23. Elevation drawings of the front and rear of the principal building.
- 24. Site plans for residential projects (multiple family developments and manufactured home parks) shall include the following additional information:
 - a. Minimum floor area of dwelling units.
 - b. Total number of units proposed.
 - c. Number of bedrooms per unit in multiple-family developments.
 - d. Areas to be used for open space and recreation.
- 25. **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 groundwater 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, drainage patterns, shoreline protection, wildlife habitat, air pollution, water pollution (ground and surface), noise pollution, and the aesthetics and scale of development in terms of the surrounding environment. Statement of the impact of the development with respect to noise, dust, fire hazard, fumes, odors, vibration, smoke, or excessive light.

D. Application Submittal Procedures:

- 1. Six (6) copies of the proposed site plan, including all required additional or related information, shall be presented to the Zoning Administrator 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

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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, the review will be addressed at the next scheduled Planning Commission meeting.
6. The Planning Commission may request the assistance of a qualified professional planner, engineer, attorney, or other professional in the site plan review process if deemed necessary or advisable.

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

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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. **Public Welfare and Adjoining Properties:** The uses proposed will not adversely affect the public health, safety, or welfare. Uses and structures located on the site shall take into account the size of the property, uses on the adjoining property, and the relationship and size of buildings to the site. The site shall be developed so as not to impede the normal and orderly development or improvement of surrounding property for uses permitted in this Ordinance.
- b. **Topography and Natural Landscape:** 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 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. **Drainage:** On-site drainage shall be required. Appropriate measures shall be taken to ensure that removal of surface waters will not adversely affect neighboring properties. Provisions shall be made to accommodate stormwater and to prevent erosion and the formation of dust. The use of detention/retention ponds may be required. Surface water on all paved areas shall be collected at intervals so that it will not obstruct the flow of vehicular or pedestrian traffic or create puddles in paved areas. Catch basins may be required to contain oil filters or traps to prevent contaminants from being discharged to the natural drainage system.
- d. **Privacy:** The site plan shall provide reasonable visual and sound privacy for all dwelling units located therein. Fences, walls, barriers, and landscaping shall be used, as appropriate, for the protection and enhancement of property and for the privacy of its occupants.
- e. **Emergency Vehicle Access:** All buildings or groups of buildings shall be so arranged as to permit emergency vehicle access by some practical means to all sides.
- f. **Vehicular and Pedestrian Circulation:** Safe, convenient, uncontested, and well-defined vehicular and pedestrian circulation shall be provided for ingress/egress points and within the site. The pedestrian circulation system shall be as insulated as completely as reasonably possible from the vehicular circulation system. Drives, streets, and other circulation routes shall be designed to promote safe and efficient traffic operations within the site and at ingress/egress points. The arrangement of public or common ways for vehicular and pedestrian circulation shall respect the pattern of existing or planned

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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.

- g. **Access:** Every structure or dwelling unit shall have access to a public street, private road, walkway or other area dedicated to common use.
- h. **Outdoor Storage:** 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 of sufficient height to obscure the direct view from adjacent first floor elevations.
- i. **Exterior Lighting:** Exterior lighting shall be arranged so that it is deflected away from adjacent properties and so that it does not interfere with the vision of motorists along adjacent streets. Lighting of building or structures shall be minimized to reduce light pollution.
- j. **Compliance with other Statutes and Regulations:** Site plans shall conform to all applicable requirements of state and federal statutes and the current Master Plan, and approval may be conditioned on the applicant receiving necessary state and federal permits before the actual Zoning Permit is granted.

The following standards relate to groundwater protection:

- k. The project and related improvements shall be designed to protect land and water resources from pollution, including pollution of soils, groundwater, rivers, streams, lakes, ponds, and wetlands.
- l. Stormwater detention, retention, transport, and drainage facilities shall be designed to use or enhance the natural stormwater system on-site, including the storage or filtering capacity of wetlands, watercourses, and water bodies, and/or the infiltration capability of the natural landscape. Stormwater facilities shall not cause flooding or the potential for pollution of surface or groundwater, on-site or off-site. Stormwater facilities shall conform to the requirements of the Alcona County Drain Commissioner.
- m. General-purpose floor drains shall be connected to an on-site holding tank (not a septic system) in accordance with state and county requirements, unless a groundwater discharge permit has been obtained from the appropriate governing entity. General-purpose floor drains, which discharge to groundwater, are prohibited.

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- n. Sites at which hazardous substances, hazardous wastes, or potentially polluting materials are stored, used, or generated shall be designed to prevent spills and discharges of such materials to the air, surface of the ground, groundwater, lakes, streams, rivers, or wetlands.
 - o. Secondary containment facilities shall be provided for aboveground storage or hazardous substances, hazardous wastes, or potentially polluting materials in accordance with state and federal requirements. Aboveground secondary containment facilities shall be designed and constructed so that the potentially polluting material cannot escape from the unit by gravity through drains or other means directly or indirectly into groundwater.
 - p. Underground storage tanks shall be registered, installed, operated, maintained, closed and removed in accordance with regulations of the appropriate governing entity.
 - q. Out-of-service or abandoned underground storage tanks shall be closed and removed in accordance with regulations of the appropriate governing entity.
 - r. Aboveground storage tanks shall be certified, installed, operated, maintained, closed or removed in accordance with regulations of the appropriate governing entity.
 - s. Bulk storage facilities for pesticides and fertilizers shall be in compliance with requirements of the appropriate governing entity.
 - t. Abandoned water wells (wells that are no longer in use or are in disrepair), abandoned monitoring wells, and cisterns shall be plugged in accordance with regulations and procedures of the appropriate governing entity and the District Health Department.
 - u. State and federal requirements for storage, spill prevention, record-keeping, emergency response, transport and disposal of hazardous substances, hazardous wastes, liquid industrial waste or potentially polluting materials shall be met. No discharge to surface water or groundwater, including direct or indirect discharges of waste, waste effluent, wastewater, pollutants, or cooling water, shall be allowed without approval from state, county, and local agencies.
2. The Planning Commission may seek the recommendations of the Fire Chief, the **Alcona County Road Commission**, the **District Health Department**, the **Michigan Department of Natural Resources**, the **Michigan Department of Environment, Great Lakes, and Energy**, or other agencies as appropriate, where applicable.

F. Approval of Site Plan:

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1. Within sixty (60) days of the site plan application being found complete, the Planning Commission shall act to approve, approve with modifications and/or conditions, or disapprove the site plan in writing with reasons.
2. 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 signed and dated site plan shall be provided to the applicant; one 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 the 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 (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 that will preserve the natural features of the site without changing the basic site layout.
 - g. Changes related to item a) through f) above, required or requested by Alcona 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

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design and character of the site plan, nor any specified conditions imposed as part of the original approval.

- h. 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 365 days of approval. Thirty days prior to expiration of an approved final site plan, an applicant may make application to the Planning Commission for a one-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.
 - 2. Any subsequent re-submittal of a site plan due to expiration which has not been granted an extension 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.

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 for a non-residential use
- 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.

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Article 8 Special Land Use Review

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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.4. 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. Description of proposed use, including parking facilities, if required, and any exceptional traffic situation the use may occasion.
3. A statement prepared by the applicant appraising the effect on the neighborhood.
4. The application shall be accompanied by the fee established by the Township Board of Trustees.

B. **Special Land Use Approval 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:

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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.

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- 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 written 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 the 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 which are required or requested by Alcona 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

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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 **§8.1(D)(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 may 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. 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**.

Section 8.2 – Special Land Use Expiration, Abandonment or Revocation

- A. **Expiration of Special Land Use Permit:** Any approved Special Land Use shall become invalid if the approved Special Land Use is not commenced within one (1) year after the zoning permit is issued. Thirty (30) days prior to expiration of an approved Special Land Use permit, an applicant may apply to the Planning Commission for a one (1) year extension of the Special Land Use permit. The Planning Commission shall grant the requested extension for an additional one (1) year if it finds good cause for the extension and that the zoning regulations governing the Special Land Use approval have not changed since the approval.
- B. **Special Land Use that has been Replaced or Superseded:** The Special Land Use permit shall expire if replaced or superseded by a subsequent permitted use (except in the case where the Special Land Use is an accessory use on the premises) or a subsequent Special Land Use permit or if the applicant requests the rescinding of the Special Land Use Permit.
- C. **Abandonment of Special Land Use:** The Special Land Use permit shall expire if the Special Land Use has been abandoned for a period of one (1) year or more. When determining the intent of

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the property owner to abandon a Special Land Use, the Zoning Administrator shall consider the following factors:

1. Whether utilities such as water, gas, and electricity to the property have been disconnected.
 2. Whether the property, buildings, and grounds have fallen into disrepair.
 3. Whether signs or other indications of the existence of the Special Land Use have been removed.
 4. Whether equipment or fixtures necessary for the operation of the Special Land Use have been removed.
 5. Other information or actions that evidence an intention on the part of the property owner to abandon the Special Land Use.
- D. **Special Land Use and Transfer or Sale of Property:** A Special Land Use does not expire on transfer or sale of the property unless the use has been determined by the Zoning Administrator to have been abandoned pursuant to [subsection C](#).
- E. **Special Land Use Suspension or Revocation:** The Planning Commission may suspend or revoke a Special Land Use permit issued under the provisions of this Ordinance whenever the permit is issued erroneously on the basis of incorrect information supplied by the applicant or his agent and is in violation of any of the provisions of this Ordinance or of any other ordinances or regulations of the Township.

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Article 9

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Section 9.0 – General Requirements

The uses listed 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.

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Section 9.1 Airports & Landing Fields

- A. Privately owned and maintained aircraft landing strips, more or less parallel to a public road, shall be set back from such road for a minimum distance of two hundred (200) feet. Where a privately owned landing strip is situated more or less perpendicular to a public road, such landing strip shall be separated from said road by a distance of at least four hundred (400) feet.
- B. All privately owned and maintained aircraft landing strips shall be at least two hundred fifty (250) feet from the nearest residential dwelling unit and at least one thousand (1,000) feet from all other buildings not designated as accessory structures for said aircraft landing field.
- C. All other aircraft landing fields or airports must conform to applicable federal and state regulations and be approved by appropriate federal and state agencies prior to submittal of a site plan to the Planning Commission.

Section 9.2 - Automobile Repair/Automobile Service Station

- A. No ingress or egress to an automobile service station or automobile repair garage shall be closer than twenty-five (25) feet from any intersection or residential property line abutting the property on which such facility is located.
- B. 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.
- C. All outside storage areas for trash, used tires, auto parts, and similar items shall be enclosed by a fence or masonry wall at least six (6) 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.
- D. All exterior lighting shall comply with §3.29 of this Ordinance.
- E. Parking and stacking spaces shall be provided subject to §3.21.

Section 9.3 - Bed & Breakfast Facilities/Tourist Homes

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

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1. The bed and breakfast or tourist home shall not alter the residential character of the structure.
2. The operator shall live on the premises when the operation is active.
3. Bed and breakfasts or tourist homes will operate in compliance with all local, state, and federal requirements.
4. 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 use shall be located in the principal structure on the property. The rooms utilized for sleeping shall be part of the primary residential use and not specifically constructed for rental purposes. The Planning Commission may grant permission for accessory dwellings or structures in existence as of the effective date of this Section and located on the same parcel as the principal structure containing the Bed and Breakfast to be used as additional sleeping rooms.
6. The maximum length of stay for bed and breakfasts and tourist homes for guests shall be fourteen (14) consecutive days.
7. 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.
8. Rental of snowmobiles, ATVs, or similar vehicles, boats, and other marine equipment in conjunction with the operation of the establishment may be permitted as part of the approval process. Such requests will be evaluated by the Planning Commission on a case-by-case basis based on information provided by the applicant.
9. The dwelling unit has no exterior evidence, other than a sign meeting the requirements of [§3.30](#), to indicate that the dwelling is being utilized for any purpose other than as a residence.
10. Breakfast may be served only to overnight guests in accordance with state public health regulations regarding bed and breakfast facilities.
11. 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.

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Section 9.4 - Child Care Homes (Group)/Child Care Center

- A. A Special Land Use Permit in the case of a Group Child Care home and a standard Zoning Permit in the case of a Child Care Center 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.

Section 9.5 - Campgrounds & RV Parks

- A. A minimum lot size shall be ten (10) acres.
- B. The lot shall provide direct vehicular access to a public road. The term "lot" shall mean the entire campground or RV park.
- C. All sanitary stations, privies, or any sanitary facilities shall be located at least one hundred (100) feet from property lines.
- D. 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.
- E. Campsites shall be located at least fifty (50) feet from property lines.
- F. All campgrounds and trailer courts shall comply with **State of Michigan** and **District Health Department** requirements.

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Section 9.6 - Car Wash Facilities

- A. **Layout:** All washing activities shall be carried on within an enclosed building. Entrances and exits shall not face abutting residentially used property if an existing residence is located within two hundred (200) feet of the car wash facility.
- B. Vacuuming activities shall be at least fifty (50) feet from any adjoining residential use.
- C. **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.

Section 9.7 - Cemeteries

- A. **Location:** No portion of any cemetery that is located in a wetland shall be developed or platted for gravesites.
- B. **Accessory Buildings:** A 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.
- C. **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.

Section 9.8 – Reserved

This section is reserved for future use.

Section 9.9 Drive-Through Businesses

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

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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. Planted greenbelts, berms, and/or fencing/walls shall be required on the sides abutting or adjacent to a residential use.
5. Stacking spaces shall be provided for drive-through operations subject to the standards listed in the parking requirements in [§3.21](#).

Section 9.10 - Extractive Industry

- A. Businesses engaged in extractive operations shall comply with all applicable state and federal regulations.
- B. When extractive industrial operations cease at a site the following shall apply:
 1. All buildings must be removed from the site; and
 2. All hazardous materials shall be removed from the site.

Section 9.11 - Junkyards, Salvage Yards & Sanitary Landfills

- A. Junk and salvage yards may be established and maintained in accordance with all applicable Statutes of the State of Michigan, and are only permitted in the "Industrial" District, and shall be located only in sites which are completely screened from adjacent properties and public view. 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 "Industrial" 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

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appropriate governing entity in conformance **Part 111 of the Natural Resources and Environmental Protection Act**, as amended.

- 3. have direct access only from an impervious hard surface paved all-weather year-round road as defined by the **County Road Commission** or **Michigan 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, screening wall, or by well-maintained evergreens. Said screening fence or wall shall not contain any signs or symbols. Junk, trash, and refuse shall not be piled higher than the top of the screening barrier.
- 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.
- E. Operations shall be limited to between the hours of 8 am and 10 pm.
- F. The Planning Commission shall have the authority to further limit the hours of operation or to impose conditions of operation to make the use more compatible with adjacent uses.

Section 9.12 - Kennels or Veterinary Clinic/Animal Hospital

- A. All kennels, veterinary clinics, or animal hospitals shall be operated in conformance with county and state regulations and shall be on sites of at least one (1) acre for the first ten (10) animals boarded and an additional one (1) acre per each additional ten (10) animals boarded.
- B. 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, whichever is greater.
- C. Outdoor animal enclosures shall be screened from adjacent properties and/or roads with an opaque fence or an evergreen buffer at least five (5) feet in height.
- D. The facility shall be so constructed and maintained that odor, dust, noise, or drainage shall not constitute a nuisance or hazard to adjoining premises.
- E. Animals shall be kept in a soundproof building between the hours of 10 p.m. and 8 a.m.
- F. All principal use activities shall occur within an enclosed principal building.

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Section 9.13 - Keyhole Development (Residential uses with common use waterfront property)

This Section is intended to limit the number of users of Alcona Township’s lakes and steams frontage, to preserve the quality of surface waters, and to preserve the quality of the recreational use of all surface water in the Township. The restrictions below shall apply to any parcel regardless of whether access to the water shall be gained by easement, common fee ownership, single ownership, condominium agreement, or lease.

- A. Any residential development which shares common water frontage shall not permit a greater density ratio than one (1) single-family dwelling, cottage, condominium unit, or apartment per twenty-five (25) feet of lake or stream frontage held in common ownership. The lake or steam frontage shall be measured along the ordinary high water line of the lake or steam. As part of the Special Land Use permit application, the property owner or developer shall provide the Planning Commission with evidence that the limitation of residential unit density shall be included in the deed.
- B. All waterfront common use areas shall provide side yard buffer areas to reduce the impacts of common use lake access on adjacent riparian properties. Existing natural vegetation shall be maintained to provide immediate buffering screening. Additional landscaping may be required by the planning commission within the buffer area where necessary to achieve an adequate buffer.

Section 9.14 - Lumberyards

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

- A. 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.
- B. Accessory outdoor storage, other than lumber, shall be effectively obscured from public view by fences, greenbelts, structures, and/or other devices as approved by the Planning Commission.

Section 9.15 – Mills: Lumber Planing & Veneer

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

- A. 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 two-hundred fifty (250) feet.

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- B. Log storage and sawn timber or lumber shall not be located nearer than two-hundred fifty (250) from an off-premises residence.
- C. 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.
- D. 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.
- E. Operations shall be limited to between the hours of 8 am and 10 pm.
- F. Location of saw mills shall be such that operation will not create a nuisance to abutting residential or agricultural operations or to dwellings in the immediate area by reason of noise, dust, or pollution
- G. Residue from saw mill operations such as slab wood, saw dust, other by-products, etc. shall be removed from the site or shall be stored on the site so as not to be unsightly to adjacent properties.

Section 9.16 – Manufactured Housing Developments

Manufactured home developments shall be subject to the following conditions:

- A. 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.
- B. 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.
- C. 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.

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Section 9.17 – Multiple-Family Dwelling Units

- A. **Front Yard Setback:** 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 lot 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 multiple-family dwelling unit abuts of forty (40) feet; the total area of which shall be landscaped.
- B. **Side Yard Setback:** For multiple-family dwellings, there shall be a minimum interior side yard of twenty (20) feet and a minimum corner side yard of twenty (20) feet. There shall be a minimum rear yard of thirty-five (35) feet.
- C. **Minimum Floor Area:** Each multiple-family dwelling unit in this zoning district shall have a minimum of six hundred (600) square feet of usable floor area exclusive of unenclosed porches, garages, and basements.
- D. **Density Regulations for Multiple-Family Dwelling Units:**
 - 1. Not more than four (4) dwelling units per acre shall be permitted, except as otherwise herein provided.
 - 2. There shall be a minimum of fifty (50) percent of the net area of the parcel on which the multiple-family dwelling unit is proposed 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 project, the developer shall not consider the following:
 - a. Lands having a slope greater than twenty (20) percent: Twenty (20) feet of vertical fall in one hundred (100) lineal feet.
 - b. Lands covered by water or wetlands as defined by the State of Michigan.

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- 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.

E. Other Development Regulations for Multiple-Family Dwelling Units:

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 and private roads servicing the multiple-family dwelling unit without undue congestion or interference with normal traffic flow.
5. 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.
6. The developer shall be required to provide community areas, laundry facilities, playground, and other services necessary for the comfort and convenience of residents.
7. All outside storage areas for trash shall be enclosed by a six (6) foot high solid wall or fence.
8. A site plan shall be submitted for each multiple-family development in accordance with [Article 7](#) of this Ordinance. Said plan shall indicate or illustrate how the requirements of this Section are being met.

Section 9.18 - Outdoor Recreational Facilities (Commercial)

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

- A. Children's amusement facilities must be fenced on all sides with a minimum four (4) foot high protective wall or fence.

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- B. All manufacturers’ specifications for safety are complied with as well as any additional safety measures that may be prescribed by the Planning Commission.
- C. 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.

Section 9.19 – Outdoor Sales Facilities

- A. **Outdoor Sales Facilities for Vehicles and Similar Items:** Outdoor sales lots for automobile, trucks, motorcycles, all-terrain vehicles, boats and marine craft, recreation vehicles, trailers, manufactured homes, farm implements, contractor’s equipment/vehicles, and similar units, for new and/or used units, are subject to the following:
 1. Minimum lot area shall be one (1) acre.
 2. Minimum lot width shall be two hundred (200) feet.
 3. No display shall be permitted in the right-of-way of any abutting road or highway.
 4. 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.
 5. 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.
 6. All areas subject to vehicular use shall be paved with durable dust-free surfacing with appropriate bumper guards where needed.
 7. Display lot lighting shall comply with terms of [§3.29](#), which shall apply whether or not the lighting is projected from buildings, private poles, or from utility company poles, i.e. as yard lights.
 8. The display of units regulated herein shall only be in areas indicated or designated on the site plan, and areas shall be differentiated on the site plan as to the display of new, used, and/or inoperable units.

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Section 9.20 – Planned Unit Development (PUD)

- A. **Purpose:** The Planned Unit Development 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 Alcona 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.

- 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. Standards contained in [Articles 7](#) and [Article 8](#) 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.

 - 4. **Uses Allowed:** The following uses may be allowed in a PUD. Mixed uses are encouraged.
 - a. **Residential Uses.** Dwelling units in detached, semi-detached, attached, or multiple-family dwellings or any combination thereof, along with customary accessory uses and structures are permitted in a PUD.

 - b. **Non-Residential Uses.** Non-residential uses are permitted in a PUD provided that such uses are compatibly and harmoniously incorporated into the unitary design of the PUD.

 - c. **Development not associated with Residential Uses.** A PUD may exclude residential development and allow other commercial, industrial, institutional, cultural, and/or recreational uses if the applicant can demonstrate that the proposed PUD is sufficiently

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well designed to accomplish the intent of this Ordinance with respect to adjoining land uses both existing and anticipated. A PUD excluding residential uses may not be located in a Residential Zoning District.

- 5. **Flexibility of District Standards:** Minimum development standards set forth by the original district in which the proposed PUD is located shall act as general guidelines. To encourage flexibility and creativity consistent with the intent of PUD regulations, the Township may permit specific departures from the requirements of the Zoning Ordinance.
- 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. **Preliminary Plan Submission Requirements:** 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 the Preliminary Planned Unit Development plan with the PUD application, at least thirty (30) 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:** The Planning Commission shall conduct a public hearing on the preliminary site plan in accordance with **§10.3** of this Ordinance.
 - b. **Preliminary Site Plan Approval/Action:** Following the public hearing, the Alcona Township Planning Commission shall recommend approval, disapproval, or approval subject to specified conditions/revisions. Such recommendation shall be based on the standards listed in **Articles 7** and **8** of this Ordinance and **§9.20 (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

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the two (2)-year time period, the PUD and preliminary site plan shall become null and void. The Planning Commission may approve one (1) extension of up to two (2) years.

- c. **Final Site Plan Approval:** Upon approval of the preliminary site plan by the Planning Commission, 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. Planning Commission approval shall be based on the review criteria listed in Articles 7 and 8 of this Ordinance and §9.20 (B) and a finding that the final site plan is consistent with the preliminary site plan approved by the Planning Commission, including any conditions or required modifications. 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 Zoning 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 Guarantee:** To ensure compliance with the approved final site plan, the Township may require a performance guarantee as per §10.7.
4. **Amendments to an Approved PUD:** Minor amendments 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 amendments subject to administrative review are addressed in §7.2 (H). A major amendment to an approved PUD shall comply with the filing procedures for a PUD as contained herein. Major amendments 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 9.21 – Secondary Dwelling Units

The purpose of this Section is to allow a minor amount of space on a lot or within a dwelling to be rented or leased as separate living quarters for extended family or non-family members in all residential neighborhoods within the Township. The following regulations shall apply:

- A. One (1) secondary dwelling unit is allowed per lot.

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- B. The secondary dwelling unit shall be rented or leased so the tenants are permanent residents rather than transients.
- C. The secondary unit shall not exceed six hundred (600) square feet, so that it remains an accessory use to the primary dwelling and does not result in the creation of a duplex or apartment building.
- D. The secondary dwelling unit shall be provided electricity, plumbing, and heat.
- E. The secondary unit shall contain only one (1) bedroom.
- F. The secondary unit shall not be located in the front yard.
- G. The secondary unit shall be a self-contained unit and may be located above a garage or may be attached to the primary dwelling or garage or located totally within a primary dwelling.
- H. The secondary unit shall have a separate exterior entrance which shall not be visible from the front yard.
- I. The residents of the primary structure shall maintain the secondary unit and shall ensure that no excessive noise, traffic, or blight occurs on the property.
- J. The secondary unit shall conform to the building code standards adopted by Alcona County.
- K. One and one-half (1 ½) parking spaces shall be provided on-site for each dwelling unit.

Section 9.22 – Sexually-Oriented Businesses

The purpose and intent of the Section of this Ordinance pertaining to the regulation of sexually oriented businesses is to regulate the location and operation of, but not to exclude, sexually-oriented businesses within the Township, and to minimize their negative secondary effects. It is recognized that sexually oriented businesses, because of their very nature, have serious objectionable operational characteristics which cause negative secondary effects upon nearby residential, educational, religious, and other similar public and private uses. The regulation of sexually oriented businesses is necessary to ensure that their negative secondary effects will not contribute to the 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

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disregarded, reduced, and/or revised so as to be recognized to the fullest extent possible by law. The Township further states that it would have passed and adopted what remains of any portion of this Ordinance relating to regulation of sexually oriented businesses following the removal, reduction, or revision of any portion so found to be invalid or unconstitutional.

- A. No sexually oriented business shall be established on a parcel within five hundred (500) feet of any residence.
- B. 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.
- C. The proposed use shall conform to all specific density and setback regulations of the zoning district in which it is located.
- D. The proposed use must meet all applicable written and duly promulgated standards of Alcona Township and other governments or governmental agencies having jurisdiction, and that to the extent required, the approval of these governments and/or governmental agencies has been obtained or is reasonably assured.
- E. The outdoor storage of garbage and refuse shall be contained, screened from view, and located so as not to be visible from neighboring properties or adjacent roadways.
- F. Any sign or signs proposed for the sexually oriented business must comply with the provisions of this Ordinance, and shall not otherwise include photographs, silhouettes, drawings, or pictorial representations of any type, or include animated or flashing illumination.
- G. Entrances to the proposed sexually oriented business must be posted on both the exterior and interior walls in a location clearly visible to those entering and exiting the business, and using lettering no less than two (2) inches in height that: 1) “persons under the age of 18 are not permitted to enter the premises”, and 2) “No alcoholic beverages of any type are permitted within the premises unless specifically allowed pursuant to a license duly issued by the Michigan Liquor Control Commission.”
- H. No product or service for sale or gift, or any picture or other representation of any product or service or gift, shall be displayed so as to be visible from the nearest adjoining roadway or a neighboring property.
- I. Hours of operation shall be limited to 12:00 PM (noon) to 12:00 AM. (Midnight)
- J. Any booth, room, or cubicle available in any sexually oriented business, excepting an adult motel, used by patrons for the viewing of any entertainment characterized by the showing of Specified Anatomical Areas or Specified Sexual Activities:

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1. Shall be handicap accessible to the extent required by the Americans With Disabilities Act;
2. Shall be unobstructed by any door, lock, or other entrance and exit control device;
3. Has at least one (1) side totally open to a public, lighted aisle so that there is an unobstructed view at all times from the adjoining aisle of any occupant;
4. Is illuminated such that a person of normal visual acuity looking into the booth, room, or cubicle from its entrance adjoining the public lighted aisle can clearly determine the number of people within.
5. Has no holes or openings in any side or rear walls not relating to utility, ventilation, or temperature control services or otherwise required by any governmental building code or authority.

Section 9.23 – Private Stables (not on Commercial Farms)

- A. Structures used as stables shall not be located closer than sixty (60) feet to any property line or less than one hundred (100) feet from any residential dwelling.
- B. Animals shall be padlocked in a suitable fenced area surrounding or adjacent to said stable to preclude their approaching nearer than sixty (60) feet to any residential dwelling.
- C. Stable and corral facilities shall be constructed in such a way that dust, noise, odor, and drainage problems will be minimized so as not to constitute a nuisance or hazard to premises on the same lot or adjoining properties.

Section 9.24 – Storage Uses

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

- A. 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.
- B. Proposed storage buildings shall be 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.
- C. Nothing in this Section shall prohibit or inhibit storage space as a necessary accessory use to any principal commercial use of the property.

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- D. The storage of any soil, fertilizer or similar loosely packaged materials shall be sufficiently contained to prevent any adverse effect upon adjacent properties.

Section 9.25 – Wireless Communications

A. **Purpose:** The purpose and intent of the Section of this Ordinance pertaining to wireless communications is to establish general guidelines for the location of wireless facilities and equipment. The Township recognizes that it is in the public interest to permit the location of wireless facilities and equipment within the Township. The Township also recognizes the need to protect the scenic beauty of Alcona Township from unnecessary and unreasonable visual interference, and that wireless facilities and equipment may have negative aesthetic impacts upon adjoining and neighboring uses. As such, this Ordinance seeks to:

1. Protect residential areas from potential adverse impact of wireless facilities and equipment;
2. Encourage the location of towers in nonresidential areas;
3. Minimize the total number of towers throughout the community;
4. Encourage the joint use of new and existing facilities rather than the construction of additional facilities;
5. Encourage developers to configure them in a way that minimizes their adverse visual impact;
6. Enhance the ability of providers of wireless services to provide such services to the community quickly, effectively, and efficiently;
7. Consider the public health and safety of wireless facilities; and
8. Avoid potential damage to adjacent property from tower failure.

B. **Uses Allowed:**

1. **Exemptions:** Antenna towers and masts erected and operated as a residential or commercial accessory use serving only that property (such as but not limited to Amateur Radio Service Station Antenna and other “customer end” devices covered by 47 CFR Section 1.4000) are exempt from this Section. An amateur radio antenna structure and other such wireless structures may be erected at the minimum heights and dimensions sufficient to accommodate amateur radio service communications and other such wireless transmissions but shall not exceed fifty (50) in height. Those that exceed fifty (50) in height shall be considered a Special Land Use pursuant to subsection B.2. Single-use towers and masts shall comply with all FCC rules and regulations in effect at the time they are erected. Property owners who erect single-use towers and masts shall notify the Township prior to erecting

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such a tower. This exemption does not cover antennas used to transmit signals to and/or receive signals from multiple customer locations. See [Over-the-Air Reception Devices \(47 CFR Section 1.4000\)](#).

2. Wireless Support Structures, Alternative Tower Structures, Small Cell Wireless Facilities, Ground-Mounted Wireless Facilities shall require a Special Land Use Permit by the Planning Commission. In considering authorization of a Special Land Use for a telecommunications tower, antennae facility, or alternative tower structure, the Planning Commission shall apply the standards of [Article 7](#), [Article 8](#), and the standards in [subsection D](#).
3. Antenna co-located on existing telecommunications towers or alternative tower structures shall be permitted by right (with no zoning permit required) provided the following:
 - a. No antenna or similar sending/receiving devices appended to the 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 wireless support structure by more than twenty (20) feet or ten (10) percent of its original height, whichever is greater. If this subsection cannot be met, then a Special Land Use permit is required.

C. Approval Procedure for New Wireless Communications Support Structures (Towers or Alternative Tower Structures) or Ground-Mounted Wireless Communications Facilities (Ground Stations or Earth Stations):

1. An application for Special Land Use approval of Wireless Communications Support Structures or Ground-Mounted Wireless Communications Facilities (Ground Stations or Earth Stations) shall include all information required by [§7.2.C: Site Plan Data Required](#).
2. After an application for a Special Land Use approval is filed, the Zoning Administrator shall determine whether the application is administratively complete. The application shall be considered to be administratively complete when the Zoning Administrator makes that determination or fourteen (14) business days after the Zoning Administrator receives the application, whichever is first.
3. If, before the expiration of the fourteen (14) day period under [subsection C.2](#), the Zoning Administrator notifies the applicant that the application is not administratively complete,

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specifying the information necessary to make the application administratively complete, or notifies the applicant that a fee required to accompany the application has not been paid, specifying the amount due, the running of the fourteen (14) day period under **subsection C.2** is tolled until the applicant submits to the body or official the specified information or fee amount due. The notice shall be given in writing or by electronic notification.

4. After the application is deemed complete, a public hearing shall be held. The notice of the public hearing shall be given pursuant to **§10.3**.
5. After a public hearing is held, the Planning Commission shall conduct a site plan review using the site plan review standards in **§7.2.E** and the Special Land Use standards in **§8.1.B** and the standards contained in **subsection D** below and shall approve or deny the application not more than ninety (90) days after the application is considered to be administratively complete. If the Planning Commission fails to timely approve or deny the application, the application shall be considered approved and the Planning Commission shall be considered to have made any determination required for approval.

D. Standards for New Wireless Communications Support Structures (Towers or Alternative Tower Structures) or Ground-Mounted Wireless Communications Facilities (Ground Stations or Earth Stations):

1. **Ownership:** The Applicant shall provide documentation to the Planning Commission that clearly establishes the legal ownership of the wireless facility. The applicant, its agents, successors, and assigns shall report to the Planning Commission any changes in the legal ownership of the wireless facility within thirty (30) days of the effective date of the change.
2. **Need:** The applicant shall provide documentation to the Planning Commission establishing the need for a new wireless facility and analysis of alternative options, such as co-location of an existing tower or structure. 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. The applicant must demonstrate that no existing tower or alternative tower structures can accommodate the applicant’s needs. If such a tower or structure is in existence, said tower or structure shall be utilized.
3. **Visual Impact:** The application for Special Land Use 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. **Size and Spacing:**

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- a. 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.
 - b. The wireless facility and any ancillary building housing equipment needed for operation of the wireless facility shall not exceed the floor area and height minimally necessary for such equipment, and shall be of a size, type, color, and exterior materials which are aesthetically and architecturally compatible with the surrounding area, and as minimally obtrusive as possible. Landscape screening may be required by the Planning Commission to accomplish screening of ancillary equipment buildings.
 - c. There shall be no less than three (3) miles between wireless towers in Alcona Township.
5. **Lighting:** 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.
- a. The color and intensity of tower lighting required by **Federal Communications Commission** (FCC), **Federal Aviation Administration** (FAA), or **Michigan Aeronautics Commission** (MAC) regulations shall be as unobtrusive as possible and must cause the least disturbance to the surrounding properties.
 - b. Lighting shall not be strobe lighting or other intermittent white lighting fixtures unless expressly required by state or federal regulations. Such intermittent lighting shall be alternated with steady red lights at night if acceptable to state or federal regulations.
 - c. Lighting may consist of a red top light that does not pulsate or blink.
6. **Color:** Towers shall be painted so as to be as unobtrusive as possible. The painting of towers in alternate bands of color shall be permitted only if specifically required by **Federal Communications Commission** (FCC), **Federal Aviation Administration** (FAA), or **Michigan Aeronautics Commission** (MAC) regulations. If alternate band painting is required by FCC, FAA, or MAC regulations, the applicant shall provide documentation of such requirements and regulations.
7. **Height Decrease:** 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.

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8. **Signs:** No signs other than signs required pursuant to federal, state, or local law and Ordinance shall be allowed on an antenna or tower, or site.
9. **Cable and Anchor Setbacks:** Guy cables and anchors shall comply with applicable zoning district setback regulations.
10. **Setback from Dwellings:** 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.
11. **Setback from Property Line:** The tower shall be set back not less than the distance equal to the height of the tower measured from the base of the tower to all points on each property line. Ground-Mounted Wireless Communications Facilities shall be set back at least one hundred seventy-five (175) feet from the outside edge of the equipment enclosure to each property line. The Planning Commission may reduce the required setbacks if it is determined that such reduction will not adversely affect neighboring property.
12. **FCC/FAA/Other Regulations:** The applicant shall provide documentation of conformance with any Federal Communications Commission, Federal Aviation Administration, or Michigan Aeronautics Commission regulations. The tower shall comply with the [Michigan Tall Structures Act \(1959 PA 259, as amended\)](#).
13. **Use:** The owner/operator of the wireless facility 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 wireless facility.
14. **Performance Guarantee:** As a condition of approval, the Planning Commission may require an owner to deposit funds a performance guarantee to assure the removal of wireless facility as prescribed in this Section. If required, such performance guarantee shall be in an amount equal to the estimated cost of removal of the wireless facility at the time of approval. Such escrow deposit or bond shall be maintained by successor owners.
15. **Cease of Operations/Abandonment:** If the wireless facility 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 wireless facility 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.
16. **ZBA:** 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

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Land Use approval to erect and maintain cellular phone and other personal and business communications antenna towers.

E. **Small Cell Wireless Facilities:**

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

2. **Special Land Use Approval for Non-Exempt Small Cell Wireless Facilities.** The modification of existing or installation of new small cell wireless facilities or the modification of existing or installation of new wireless support structures used for such small cell wireless facilities that are not exempt from zoning review in accordance with **2018 PA 365**, as amended shall be subject to review and approval by the Planning Commission as a Special Land Use in accordance with the following procedures and standards:
 - a. The processing of an application is subject to all of the following requirements:
 - (1) Within thirty (30) days after receiving an application under this Section, the Zoning Administrator shall notify the applicant in writing whether the application is complete. The notice tolls the running of the 30-day period.
 - (2) The running of the time period tolled under **subsection (1)** resumes when the applicant makes a supplemental submission in response to the Zoning Administrator's notice of incompleteness.
 - (3) The Planning Commission shall approve or deny the Special Land Use application and notify the applicant in writing within ninety (90) days after an application for a modification of a wireless support structure or installation of a small cell wireless facility is received or one hundred fifty (150) days after an application for a new wireless support structure is received. The time period for approval may be extended by mutual agreement between the applicant and Planning Commission.
 - b. The Planning Commission shall base their review of the request on the standards contained in **§8.1.B** provided, however, that a denial shall comply with all of the following:
 - (1) The denial is supported by substantial evidence contained in a written record that is publicly released contemporaneously.

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- (2) There is a reasonable basis for the denial.
- (3) The denial would not discriminate against the applicant with respect to the placement of the facilities of other wireless providers.
- c. In addition to the provisions set forth in **subsection b**, in the Planning Commission’s review:
 - (1) An applicant's business decision on the type and location of small cell wireless facilities, wireless support structures, or technology to be used is presumed to be reasonable. This presumption does not apply with respect to the height of wireless facilities or wireless support structures.
 - (2) An applicant shall not be required to submit information about its business decisions with respect to any of the following:
 - (a) The need for a wireless support structure or small cell wireless facilities.
 - (b) The applicant's service, customer demand for the service, or the quality of service.
 - (3) The Planning Commission may impose reasonable requirements regarding the appearance of facilities, including those relating to materials used or arranging, screening, or landscaping.
 - (4) The Planning Commission may impose spacing, setback, and fall zone requirements substantially similar to spacing, setback, and fall zone requirements imposed on other types of commercial structures of a similar height in a similar location.
- d. Within one (1) year after a zoning approval is granted, a small cell wireless provider shall commence construction of the approved structure or facilities that are to be operational for use by a wireless services provider, unless the Planning Commission and the applicant agree to extend this period or the delay is caused by a lack of commercial power or communications facilities at the site. If the wireless provider fails to commence the construction of the approved structure or facilities within the time required, the zoning approval is void.

Section 9.26 – Wind Energy Systems

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

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turbines.

The following site development standards shall apply to all wind energy system and anemometer tower (AT) installations in the Township.

A. **Small On-Site Wind Energy Systems:** A wind energy conversion system which is intended to primarily serve the needs of the property upon which it is located shall be considered an accessory structure and shall be permitted by right.

1. Small On-Site Wind Energy Systems must be professionally designed and installed.
2. **Tower Height:** The tower height shall be limited to one hundred (100) feet. In the case of roof-mounted wind energy systems, the height of the tower shall be measured from the ground.
3. **Blade Clearance:** There shall be a minimum vertical blade tip clearance from the ground of twenty (20) feet.
4. **Guy Wires:** If the small wind energy system is supported by guy wires, such wires shall be visible to a height of at least six (6) feet above the ground.
5. **Setbacks:** Each small wind energy system shall be set back from an adjoining lot line or a public or private road right-of-way, a distance equal to the total height of the wind turbine generator. The Planning Commission may reduce the setback if the neighboring property is under the same ownership or based on other factors such as topography specific to the site. No part of the wind turbine generator, including guy wire anchors, may extend closer to the property line than the required setback for the district in which the unit is located.
 - (a) **Waterfront Property:** Wind energy systems are permitted within the waterfront setback but still must meet the side yard setback equal to the total height of the wind turbine generator.
6. **Visual Impact:** Wind turbine towers, rotating blades or mechanisms, and building surfaces shall be a non-reflective, non-obtrusive neutral color. The appearance of turbines, towers, and buildings shall be maintained throughout the life of the system.
7. **Noise:** Small wind energy systems shall not cause a sound pressure level in excess of fifty-five (55) dB(A) or in excess of five (5) dBA above the background noise, whichever is greater, as measured at the nearest property line. This level may be exceeded during short-term events such as utility outages and severe wind storms.

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8. **Vibration:** Small wind energy systems shall not cause vibrations through the ground which are perceptible beyond the property line of the parcel on which it is located.
 9. **Reception Interference:** Small wind energy systems shall not cause interference with television, microwave, navigational, or radio reception to neighboring areas.
 10. **Shadow Flicker:** Small wind energy systems shall not cause shadow flicker upon any structure on a neighboring property.
 11. **Potential Ice Throw:** The potential ice throw or ice shedding for the wind turbine generator shall not cross the property lines of the site nor impinge on any right-of-way or overhead utility line.
 12. **Safety:** A small on-site wind energy system shall have an automatic system to prevent uncontrolled rotation.
 13. **Other Regulations:** On-site wind energy systems shall comply with all applicable state construction and electrical codes, Federal Aviation Administration requirements, Michigan Aeronautics Commission requirements, the Michigan Tall Structures Act (P.A. 259 of 1959, as amended), and the Michigan Public Service Commission and Federal Energy Regulatory Commission standards.
- B. **Commercial Wind Energy Facilities and Anemometer Towers:** Anemometer Towers and wind energy facilities consisting of one (1) or more wind turbines whose main purpose is to supply electricity to off-site customers shall be allowed as a Special Land Use and shall adhere to the following requirements in addition to the requirements contained in [Articles 7](#) and [8](#).
1. **Principal or Accessory Use:** A wind energy facility or anemometer tower may be considered either a principal or an accessory use. A different existing use or an existing structure on the same parcel shall not preclude the installation of a wind energy facility or a part of such facility on such parcel. Wind energy facilities that are constructed and installed in accordance with the provisions of this Article shall not be deemed to constitute the expansion of a nonconforming use or structure.
 2. **Sufficient Wind Resources:** The proposed site shall have documented annual wind resources sufficient for the operation of the proposed wind 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.

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3. **Minimum Site Area:** The minimum site area for a wind turbine generator or an anemometer tower erected prior to a wind turbine generator shall be as necessary to meet required wind energy setbacks and any other standards of this Article.
4. **Setbacks:** Each proposed wind turbine generator or anemometer tower shall meet the following applicable setback requirements:
 - a. **Setback from Property Line:** Each wind turbine generator shall be set back from any adjoining lot line, a distance at least equal to the total height of the wind turbine generator including the top of the blade in its vertical position. The Planning Commission may reduce this setback to no less than one hundred (100) feet; provided the adjoining property is owned or leased by the applicant or an easement is obtained. If the adjoining property that is owned or leased by the applicant includes more than one (1) parcel, the properties may be considered in combination in determining setback relief. 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 (55) 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. **Setback from Road:** 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 a minimum distance at least equal to the height of the wind turbine generator total height as defined in the Ordinance.
 - c. **Setback from Structures:** Each wind turbine generator shall be setback from the nearest inhabited structure a distance not less than one and one-half (1 ½) times the total height of the wind turbine generator.
 - d. **Setback from Communication and Power Lines:** Each wind turbine shall be set back from the nearest above-ground public electric power line or telephone line a distance of no less than four hundred (400) feet or one and one-half (1 ½) times the total tower height, whichever is greater, determined from the existing power or communications lines.
 - e. **Building Setbacks:** Setbacks for buildings accessory to a wind turbine generator shall conform to the setbacks of the district.
5. **Maximum Height:** The maximum wind turbine generator height or the height of an anemometer tower erected prior to the wind turbine generator shall be determined on a

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case-by-case basis. The applicant shall demonstrate compliance with the **Michigan Tall Structures Act** (1959 PA 259, as amended), **FAA** guidelines, and Michigan Aeronautics Commission (**MAC**) guidelines as part of the approval process.

The Planning Commission may approve an increased height for a wind turbine generator tower or an anemometer tower if either of the following conditions is 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.

or

- 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.

In subsections (1) and (2) above, the increased height shall not result in increased intensity of lighting of the tower due to **FAA** (Federal Aviation Administration) or **MAC** (Michigan Aeronautics Commission) requirements.

- 6. **Tower Separation:** Wind turbine separation distance shall be based on 1) industry standards, 2) manufacturer recommendation, and 3) the characteristics (prevailing wind, topography, etc.) of the particular site location. At a minimum, there shall be a separation between the towers of not less than three (3) times the turbine rotor diameter. Documents shall be submitted by the developer/manufacturer confirming specifications for tower separation.
- 7. **Minimum Ground Clearance:** The lowest point of the arc created by rotating wind vanes or blades on a wind turbine generator shall be no less than twenty (20) feet.
- 8. **Maximum Noise Levels:** The sound pressure level generated by the wind energy system shall not exceed fifty-five (55) dB(A) measured at neighboring property lines. If the ambient sound pressure level exceeds fifty-five (55) dB(A), the standard shall be ambient plus five (5) dB(A).
- 9. **Maximum Vibrations:** Any proposed wind turbine generator shall not produce vibrations through the ground humanly perceptible beyond the parcel on which it is located.
- 10. **Potential Ice Throw:** The potential ice throw or ice shedding for the wind turbine generator shall not cross the property lines of the site nor impinge on any right-of-way or overhead utility line.

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11. **Signal Interference:** No wind turbine generator shall be installed in any location where its proximity with existing fixed broadcast, retransmission, or reception antennas for radio, television, navigation, wireless phone, or other personal communication systems would produce electromagnetic interference with signal transmission or reception. No wind turbine generator shall be installed in any location along the major axis of an existing microwave communications link where its operation is likely to produce electromagnetic interference with the link’s operation.

12. **Visual Impact, Lighting, Power Lines:**

- a. Wind turbines shall be mounted on tubular towers, painted a non-reflective, non-obtrusive neutral color. The appearance of turbines, towers, and buildings shall be maintained throughout the life of the wind energy facility pursuant to industry standards (i.e. condition of exterior paint, signs, landscaping). A certified registered engineer and authorized factory representative shall certify that the construction and installation of the wind energy facility meets or exceeds the manufacturer’s construction and installation standards.
- b. The design of the wind energy facility’s buildings and related structures shall, to the extent reasonably possible, use materials, colors, textures, screening, and landscaping that will blend facility components with the natural setting and the environment existing at the time of installation.
- c. Wind turbine generators shall not be artificially lighted, except to the extent required by the FAA or the MAC or other applicable authority, or otherwise necessary for the reasonable safety and security thereof. If lighting is required, the lighting alternatives and design chosen:
 - (1) Shall be the intensity required under State or federal regulations.
 - (2) Shall not be strobe lighting or other intermittent white lighting fixtures, unless expressly required by state or federal regulations. Such intermittent lighting shall be alternated with steady red lights at night if acceptable to state or federal regulations.
 - (3) May be a red top light that does not pulsate or blink.
 - (4) All tower lighting required by state or federal regulations shall be shielded to the extent possible to reduce glare and visibility from the ground.
- d. Wind turbines shall not be used to display any advertising except the reasonable identification of the manufacturer or operator of the wind energy facility.

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- e. The electrical collection system shall be placed underground within the interior of each parcel at a depth designed to accommodate the existing agricultural land to the maximum extent practicable. The collection system may be placed overhead adjacent to state and county roadways, near substations or points of interconnection to the electric grid, or in other areas as necessary.
- f. Wind energy power transmission lines located within Wind Energy Resource Zones for which an Expedited Siting Certificate is issued by order of the Michigan Public Service Commission under [2008 PA 295](#) are exempt from local zoning regulations.

13. **Shadow Flicker:**

- a. The wind turbine generator shall be designed in such a manner as to minimize shadow flicker on a roadway. The wind turbine generator shall be designed in such a manner as to prevent shadow flicker on any existing structures located off the property on which the wind turbine generator is located. If necessary to prevent shadow flicker from crossing occupied structures, the wind turbine generator may be programmed to stop rotating during times when the wind turbine generator shadow crosses these structures. The wind turbine generator operator may obtain written agreements which allow shadow flicker to cross an occupied structure.
- b. The Planning Commission may require the applicant to conduct an analysis of potential shadow flicker at occupied structures if it deems such an analysis necessary. The analysis shall identify the locations of shadow flicker that may be caused by the project and the expected durations of the flicker at these locations from sunrise to sunset over the course of a year. The analysis shall identify problem areas where shadow flicker may affect the occupants of the structures and describe measures that shall be taken to eliminate or mitigate the problems.

14. **Safety:**

- a. All collection system wiring shall comply with all applicable safety and stray voltage standards.
- b. Wind turbine towers shall not be climbable shall not be climbable up to fifteen (15) feet above the ground surface.
- c. All access doors to wind turbine towers and electrical equipment shall be lockable.
- d. Visible, reflective, colored objects, such as flags, reflectors, or tape shall be placed on the anchor points of guy wires and along the guy wires up to a height of ten (10) feet above the ground.

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- e. Appropriate warning signs shall be placed on wind turbine towers, electrical equipment, and facility entrances.
 - f. All wind turbine generators shall be equipped with controls to control the rotational speed of the blades within design limits for the specific wind turbine generator.
15. **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**, **Federal Energy Regulatory Commission**, 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.
16. **Hazard Planning:** An application for a wind turbine generator shall be accompanied by a hazard prevention plan. Such plan shall contain:
- a. Certification that the electrical wiring between turbines and between turbines and the utility right-of-way does not pose a fire hazard.
 - b. Location of landscaping to be designed to avoid the spread of fire from any source on the turbine; such preventative measures may address the types and locations of vegetation below the turbine and on the site.
 - c. A listing of any hazardous fluids that may be used on site shall be provided, including Material Data Safety Sheets (MDSS).
 - d. Certification that the turbine has been designed to contain any hazardous fluids shall be provided.
 - e. A statement certifying that the turbine shall be routinely inspected to ensure that no fluids are released from the turbine.
17. **Approvals:** All required approvals from other local, regional, state, or federal agencies must be obtained prior to approval of a site plan. In the case where site plan approval is a requirement for other local, regional, state, or federal agency approval, evidence of such shall be submitted with the site plan.
18. **Removal of Wind Turbine Generators:**
- a. The applicant shall submit a decommissioning plan. The plan shall include:
 - (1) The anticipated life of the project.

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- (2) The estimated decommissioning costs in current dollars. Such costs shall not include credit for salvageable value of any materials.
 - (3) The method of ensuring that funds will be available for decommissioning and restoration.
 - (4) The anticipated manner in which the project will be decommissioned and the site restored.
- b. Any wind turbine generator or anemometer tower that is inoperational 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. 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.
 - c. 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.
 - d. The Planning Commission may require the owner of the wind turbine generator to deposit a performance guarantee in an amount equal to the estimated costs associated with the removal of the wind turbine generator or anemometer tower and all associated equipment and accessory structures and restoration of the site to a reusable condition which shall include the removal of all underground structures to a depth of five (5) feet below the natural ground level at that location. The amount of the performance guarantee shall be reviewed every five (5) years. The amount of the performance guarantee shall be increased based on an inflation rate equal to the average of the previous ten (10) years Consumer Price Index.

19. Equipment Replacement: Major components of the wind turbine generator may be replaced without a modification of the Special Land Use permit provided all regulations contained herein are adhered to.

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Section 9.27 – Solar Energy

A. Solar Energy Facilities (Utility–Scale):

1. **Reflection/Glare:** Solar collection devices, or combination of devices, shall be designed and located to avoid glare or reflection onto adjacent properties and adjacent roadways and shall not interfere with traffic or create a safety hazard. This may be accomplished by both the placement and angle of the collection devices as well as human-made or environmental barriers. Glare intensity is considered an issue if it measures more than twenty (20) percent of the incident sun intensity. Plans to reduce glare may be required in the initial materials submitted.
2. **Impervious Surface/Stormwater:** If more than eight thousand (8,000) square feet of impervious surface will be located on the site, the application shall include a drainage plan prepared by a registered civil engineer showing how stormwater runoff will be managed. If detergents will be used to clean solar panels, details on the type of detergent, frequency, and quantity of use, and stormwater quality protection measures shall be provided. Any necessary permits from outside agencies for off-site discharge shall be provided.
3. **Screening:** Solar devices shall be screened from view from any public street or residential district by use of a masonry screen wall, evergreen vegetation, or other screening of a similar effectiveness and quality, if determined as necessary by the Planning Commission. Screening shall be installed which screens the facility fully from view from the time of planting or installation. Screening shall be maintained throughout the life of the facility including replacing dead vegetation within six (6) months or at the earliest feasible time of year dependent on the weather.
4. **Dimensional Regulations:** The setbacks of all solar collection devices and ancillary equipment shall be at least fifty (50) feet from all property lines of non-participating lots. Solar panels will be kept at least one hundred (100) feet from a residence that is not part of the Permitted Use.
5. **Lighting.** Solar Energy Facility lighting shall be limited to inverter and/or substation locations only. Light fixtures shall have downlit shielding and be placed to keep light on-site and glare away from adjacent properties, bodies of water, and adjacent roadways. Flashing or intermittent lights are prohibited.
6. **Wiring.** Wiring (including communication lines) may be buried underground. Any above-ground wiring within the footprint of the solar energy facilities shall not exceed the height of the solar array at maximum tilt.
7. **Sound.** The sound pressure level of a solar energy facility and all ancillary solar equipment shall not exceed fifty (55) dBA (Leq (1 hour)) at the property line of an adjoining non-participating lot.

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The site plan shall include modeled sound isolines extending from the sound source to the property lines to demonstrate compliance with this standard.

8. **Battery Storage.** Areas for battery storage shall be shown on the site plan, if applicable.
9. **Land Clearing.** Land disturbance or clearing shall be limited to what is minimally necessary for the installation and operation of the system and to ensure sufficient all-season access to the solar resource given the topography of the land. Topsoil distributed during site preparation (grading) on the property shall be retained on site.
10. **Access/Service Roads.** New access drives within the Solar Energy Facility shall be designed to minimize the extent of soil disturbance, water runoff, and soil compaction on the premises. The use of geotextile fabrics and gravel placed on the surface of the existing soil for temporary roadways during the construction of the Solar Energy Facility is permitted, provided that the geotextile fabrics and gravel are removed from those temporary roadways once the Solar Energy Facility is in operation.
11. **Agricultural Protection.** For sites where agriculture is a permitted use in a district, solar energy facilities shall be sited to minimize impacts to agricultural production through site design and accommodations including:
 - a. The ground mounting of panels by screw, piling, or a similar system that does not require a footing, concrete, or other permanent mounting in order to minimize soil compaction.
 - b. Siting panels to avoid disturbance and compaction of farmland by siting panels along field edges and in nonproduction areas to the maximum extent practicable and financially feasible.
 - c. Maintaining all drainage infrastructure on site, including drain tile and ditches, during the operation of the solar energy facility.
 - d. Siting the solar energy facility to avoid isolating areas of the farm operation such that they are no longer viable or efficient for agricultural production, including, but not limited to, restricting the movement of agricultural vehicles/equipment for planting, cultivation, and harvesting of crops, and creating negative impacts on support infrastructure such as irrigation systems or drains.
 - e. Voluntarily purchasing agricultural conservation easements from an equivalent number of prime farmland acres consistent with a purchase of development rights ordinance adopted in the Township.
12. **Installation:** Solar energy panels shall be installed, maintained, and used only in accordance with the manufacturer’s specifications.

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13. **Repowering.** In addition to repairing or replacing solar energy components to maintain the system, a solar energy facility may at any time be repowered, without the need to apply for a new Special Land Use permit, by reconfiguring, renovating, or replacing the solar energy components to increase the power rating within the existing project footprint.
 - a. A proposal to change the project footprint of an existing solar energy facility shall be considered a new application, subject to the ordinance standards at the time of the request. Expenses for legal services and other studies resulting from an application to modify a solar energy facility will be reimbursed to the Township by the solar energy facility owner in compliance with established escrow policy.

14. **Abandonment:** Any Freestanding solar collection site or device which is not used for six (6) months shall be deemed to be abandoned. The applicant/permit holder will be so notified in writing by the municipality and requested to dismantle the site and return it to its original state. If there are mitigating circumstances as to why the site has not been used, the applicant/permit holder may contact the municipality and request a three-month extension. If a site has been deemed abandoned and no request for an extension is received, the applicant/permit holder will again be notified to dismantle the site and return it to its original state. If the applicant/permit holder does not do this, the municipality will have the removal and restoration done at the owner/applicant’s expense. Removal shall include removing posts, equipment, panels, foundations, and other items so that the ground is restored to its preconstruction state and is ready for development as another land use.

15. **Performance Guarantee:** The Planning Commission may require the applicant to furnish the Township with a performance guarantee in the form of a cash deposit, certified check, irrevocable bank letter of credit, or surety bond acceptable to the Township in an amount equal to the estimated costs associated with dismantling the site and returning it to its original state in the event of abandonment.

16. **Decommissioning Plan.** A decommissioning plan is required at the time of application.
 - a. The decommissioning plan shall include:
 - (1) The anticipated manner in which the project will be decommissioned, including a description of which above-grade and below-grade improvements will be removed, retained (e.g. access drive, fencing), or restored for viable reuse of the property consistent with the zoning district.
 - (2) The projected decommissioning costs for removal of the solar energy facility (net of salvage value in current dollars) and soil stabilization, less the amount of the surety bond posted with the State of Michigan for decommissioning of panels installed on PA 116 lands.

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(3) The method of ensuring that funds will be available for site decommissioning and stabilization (in the form of surety bond, irrevocable letter of credit, or cash deposit).

b. A review of the amount of the performance guarantee based on inflation, salvage value, and current removal costs shall be completed every five (5) years, for the life of the project, and approved by the Township Board. An solar energy facility owner may at any time:

(1) Proceed with the decommissioning plan approved by the Planning Commission and remove the system as indicated in the most recent approved plan; or

(2) Amend the decommissioning plan with Planning Commission approval and proceed according to the revised plan.

17. **Reports.** Solar energy production summary reports by month shall be provided annually for each solar facility to the Township Planning Commission and the Township Clerk, by January 31st each year, for the preceding year.

B. **Solar Energy Panels (Accessory):** Solar energy panels shall be allowed as an accessory use in all zoning districts subject to the requirements below. A plot plan pursuant to §7.1 shall be submitted to the Zoning Administrator. A zoning permit is required following review by the Zoning Administrator. Repair or replacement of an existing panel does not require a review or permit provided there is no change in size, height, or coverage area.

1. **Height:**

a. Ground-Mounted Accessory Solar Energy Panels shall not exceed twenty (20) feet in height when oriented at maximum tilt (measured from the ground at the base of the equipment).

b. Building-Mounted Accessory Solar Energy Panels shall not exceed the maximum allowed building height in any zoning district. Solar Energy Panels that are wall-mounted shall not exceed the height of the building to which they are mounted.

2. **Yard Location and Setbacks:**

a. Ground-Mounted Accessory Solar Energy Panels shall be located in the rear or side yard and shall be setback a minimum of ten (10) feet from the interior side lot line and ten (10) feet from a rear lot line. The required setback of the corner side lot line shall be equal to the front setback for a principal building in the district.

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- (1) Ground-Mounted Accessory Solar Energy Panels may be located in the front yard only upon review and approval by the Planning Commission.
- b. Building-Mounted Accessory Solar Energy Panels shall adhere to district setbacks for a principal building but may encroach into designated principal building setbacks by twelve (12) inches.
- 3. **Glare:** Panels shall not result in glare onto adjoining properties or public rights of way.
- 4. **Coverage and Size:** Building-Mounted Accessory Solar Energy Panels shall allow for adequate roof access for fire-fighting purposes. Ground-Mounted Accessory Solar Energy Panels shall not exceed fifty (50) percent of the building footprint for the principal structure.
- 5. **Installation:**
 - a. Solar energy panels that are building-mounted shall be permanently and safely attached to the building or structure.
 - b. Solar energy panels that are ground-mounted shall be safely attached to the ground.
 - c. Solar energy panels that are mounted on the roof of a building shall be safely supported by the roof according to the manufacturer’s specifications.
 - d. Solar energy panels shall be installed, maintained, and used only in accordance with the manufacturer’s specifications.
 - e. Solar energy panels shall comply with building code, electrical code and all other applicable regulations.
- 6. **Nonconformities.**
 - a. A building-mounted or roof-mounted accessory solar energy panel installed on a nonconforming building or nonconforming use shall not be considered an expansion of the nonconformity.
 - b. Ground-mounted accessory solar energy panels installed on a nonconforming lot or nonconforming use shall not be considered an expansion of the nonconformity.
- 7. **Building-Integrated Solar Panels.** Building-Integrated solar energy panels are subject only to zoning regulations applicable to the structure or building and not subject to ground-mounted or building-mounted standards above.

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Section 9.28 – Site Condominiums

A. Intent.

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

B. General Requirements.

1. **Compliance with Federal, State, and Local Laws.** All site condominium projects, including manufactured home condominium developments, shall comply with all applicable federal, state, and local laws and ordinances.
2. **Zoning Requirements.** All site condominium projects shall be located within the zoning district that permits the proposed use, and shall comply with all zoning requirements of this Ordinance.
 - a. For the purposes of these regulations, each condominium unit in a site condominium shall be considered as a single zoning lot and shall comply with all regulations of the zoning district in which it is located.
 - b. In a site condominium containing single-family detached dwelling units, not more than one (1) dwelling unit shall be located on a single site condominium unit nor shall a dwelling unit be located on a site condominium unit with any other principal structure or use.
 - c. Required yards shall be measured from the boundaries of the site condominium unit.
3. **Site Plan Review.** Prior to recording a plat or master deed, site condominiums shall undergo site plan review and approval by the Planning Commission in accordance with [Article 7](#) of this Ordinance. Approval under this Ordinance shall be required as a condition to the right to construct, expand, or convert a site condominium project in the Township.
 - a. **Application.**
 - (1) An application for site plan approval shall be filed for review as per the requirements of [Article 7](#) of this Ordinance. All procedures and standards of [Article 7](#) and [Article 8](#) shall apply to site condominium projects.

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- (2) All condominium site plans shall include the information required in Section 66 of **1978 PA 59**, as amended (Condominium Act, being MCL 559.166).
- (3) The application for site plan review shall also include a copy of the proposed deed restrictions and/or master deed and by-laws to be recorded with the County Register of Deeds for review and approval by the Planning Commission.
- (4) In the case of single-family detached dwelling units, the location and dimensions of site condominium common elements, limited common elements, and building envelopes shall be shown on the site plan in addition to the items in **Section 7.2.C**.

b. Deed Restrictions, Master Deed, By-Laws.

- (1) The deed restrictions and/or master deed and by-laws shall be reviewed with respect to all matters subject to regulation by the Township, including but not limited to preservation and maintenance of drainage, retention ponds, wetlands, and other natural areas, and maintenance of landscaping in common areas in the project.
- (2) Also, the deed restrictions and/or master deed and by-laws shall provide for the means by which any private road rights-of-way may be dedicated to the public entity having jurisdiction in the future should such dedication be later deemed appropriate.

c. Performance Guarantees. As a condition of approval of the site plan, the Planning Commission may require performance guarantees by the developer in accordance with the provisions of **Section 10.7**, to ensure completion of improvements shown upon the site plan. Upon fulfillment of all requirements, the developer shall apply to the Township for release of any remaining performance guarantees.

4. Easements for Utilities. Road rights-of-way shall be parcels separate from individual residential units or lots. The rights-of-way shall be for roadway purposes, and for the maintaining, repairing, altering, replacing, and/or removing of pipelines, wires, poles, mains, conduits, and other installations of a similar character, hereinafter collectively called “public structures” for the purpose of providing public utilities including electric, communications, water, drainage and sewers, and subject to easements to be dedicated to the Township.

5. Additional Filings Required. Subsequent to the recording of the deed restrictions and/or master deed and by-laws, and subsequent to the construction of improvements, the developer shall file the following information with the Township Clerk:

- a. Three (3) copies of the as-built site condominium plans.
- b. Two (2) copies of the recorded deed restrictions and/or master deed and by-laws with all pertinent attachments.

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- c. Certification from the developer’s engineer that improvements have been installed in conformance with the approved construction drawings and monuments.

Section 9.29 – Biofuel Production Facilities on Farms

A. In conformance to the **Michigan Zoning Enabling Act**, the following regulations shall apply to biofuel production facilities:

1. A biofuel production facility with an annual production capacity of not more than one hundred thousand (100,000) gallons of biofuel is a permitted use of property and is not subject to Special Land Use approval if all of the following requirements are met:
 - a. The biofuel production facility is located on a farm.
 - b. The biofuel production facility is located not less than one hundred (100) feet from the boundary of any contiguous property under different ownership than the property on which the biofuel production facility is located and meets all applicable setback requirements of the Zoning Ordinance.
 - c. On an annual basis, not less than seventy-five (75) percent of the feedstock for the biofuel production facility is produced on the farm where the biofuel production facility is located, and not less than seventy-five (75) percent of the biofuel or another product or by-product produced by the biofuel production facility is used on that farm.
2. Each of the following requires Special Land Use approval under subsections **(3) to (5)**:
 - a. A biofuel production facility with an annual production capacity of not more than one hundred thousand (100,000) gallons of biofuel that meets the requirements of subsection 1.a and 1.b but that does not meet the requirements of **subsection 1.c**.
 - b. A biofuel production facility with an annual production capacity of more than one hundred thousand (100,000) gallons but not more than five hundred thousand (500,000) gallons of biofuel that meets the requirements of **subsection 1.a** and **1.b**.
3. An application for Special Land Use approval for a biofuel production facility described in **subsection 2** shall include all of the following:
 - a. A site plan including a map of the property and existing and proposed buildings and other facilities.
 - b. A description of the process to be used to produce biofuel.

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- c. The number of gallons of biofuel anticipated to be produced annually.
 - d. An emergency access and fire protection plan that has been reviewed and approved by the appropriate responding police and fire departments.
 - e. For an ethanol production facility that will produce more than ten thousand (10,000) proof gallons annually, completed United States Department of the Treasury, Alcohol and Tobacco Tax and Trade Bureau, forms 5000.29 (environmental information) and 5000.30 (supplemental information on water quality considerations under 33 USC 1341(a)), or successor forms, required to implement regulations under the **National Environmental Policy Act of 1969, 42 USC 4321 to 4347**, and the **Federal Water Pollution Control Act, 33 USC 1251 to 1387**.
 - f. Information that demonstrates that the biofuel production facility will comply with the requirements of **subsections (2) and (5)**.
 - g. Any additional information requested by the Planning Commission or Zoning Administrator.
4. The Township shall hold a hearing on an application for Special Land Use approval under **subsection (2)** not more than sixty (60) days after the application is filed.
5. Special Land Use approval of a biofuel production facility described in **subsection (2)** shall be made expressly conditional on the facility's meeting all of the following requirements before the facility begins operation and no additional requirements:
- a. Buildings, facilities and equipment used in the production or storage of biofuel comply with local, state and federal laws.
 - b. The owner or operator of the biofuel production facility provides the Township with proof that all necessary approvals have been obtained from the **State of Michigan** and Federal agencies that are involved in permitting any of the following aspects of biofuel production:
 - (1) Air pollution emissions.
 - (2) Transportation of biofuel or additional products resulting from biofuel production.
 - (3) Use or reuse of additional products resulting from biofuel production.
 - (4) Storage of raw materials, fuel, or additional products used in, or resulting from, biofuel production.

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- (5) The biofuel production facility includes sufficient storage for both of the following:
 - (6) Raw materials and fuel.
 - (7) Additional products resulting from biofuel production or the capacity to dispose of additional products through land application, livestock consumption, sale, or other legal use.
- 6. This Section does not authorize biofuel production facilities that are not located on farms.

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Administration & Enforcement

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Section 10.0 – Zoning Administrator

- A. The provision of this Ordinance shall be administered in accordance with the [Michigan Zoning Enabling Act, 2006 PA 110](#), as amended.
- B. 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. The Township Zoning Administrator shall have the power of a police officer in the enforcement of this Ordinance. The Zoning Officer may be assisted by any other Township employees and officials as the Township Board may delegate to enforce the provisions of this Ordinance. The duty of enforcement thereof shall rest with such administrative officials as shall be authorized therein by law, and such administrative officials shall for the purpose of the Ordinance have the power of public officers.
- C. 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 excavation or construction until such plans have been inspected in detail and found to conform to this Ordinance.
- D. 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 the Zoning Administrator.
- E. 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

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or private agreements, which may occur upon the granting of said Permit.

Section 10.1 – Zoning Permit

- A. No building or structure shall hereafter be erected, structurally altered, reconstructed, used, or moved, nor shall any use subject to the provisions of this Ordinance be commenced until a Zoning Permit application has been filed with the Township Zoning Administrator and a Zoning Permit has been issued by the Zoning Administrator, except as otherwise provided for in this Ordinance. No permit shall be issued except in strict conformity with the provisions of this Ordinance unless the Zoning Administrator receives a written order from the Zoning Board of Appeals. 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. Exempted from the permit requirements are exterior alterations and ordinary maintenance repairs that do not require a building, mechanical, electrical, or plumbing permit.

- 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. Any application requiring approval from the Planning Commission must be submitted not less than thirty (30) days prior to a scheduled meeting for consideration at that Planning Commission meeting. The application shall be accompanied by:
 - 1. A site plan or plot plan in duplicate, in a scale sufficient to clearly detail and which contains all of the information required in [Article 7](#).
 - 2. Properties smaller than 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. If copies of permits or waivers of permits cannot be obtained, then the applicant shall show evidence that all permits required by other agencies have been filed for.
 - 4. Such other information as may be required to determine compliance with this Ordinance.

- C. One (1) copy of the application shall be returned to the applicant by the Zoning Administrator after he shall have marked such copy either as approved or disapproved and attested to same by his signature on such copy. The original and one copy of the application, similarly marked, shall be retained by the Zoning Administrator, maintained on file, and available to the public for inspection upon request during normal business hours. In all cases when the Zoning Administrator shall refuse to issue a permit, he shall state such refusal in writing with the cause and reasons for said refusal.

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- D. 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 which are contingent upon the issuance of a Zoning Permit.
- E. 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. The Zoning Administrator has the right to waive this requirement if the staking out of boundary lines is not pertinent to the issuance of the Zoning Permit.
- F. The Zoning Permit will expire after one (1) year from the 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. Said permit shall be canceled by the Zoning Administrator and written notice thereof shall be given to the person(s) affected. Said notice shall state that work as described in the canceled permit shall not proceed until a new permit has been obtained.
- G. 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.
- H. No Zoning Permit shall be valid until the required fees have been paid. 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.
- I. Upon issuance of the Zoning Permit, a copy of the permit and the application, including any drawings shall be transmitted to the Township Assessor.
- J. Conformance with Approved Plans: Permits issued on the basis of plans and applications approved by the Zoning Administrator authorize only the use, arrangement, and construction set forth in such approved plans and applications. Any other use, arrangement, or construction at variance with that authorized shall be deemed a violation of this Ordinance.

Section 10.2 - Conditions

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

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

Section 10.3 – Public Notification

All applications for development approval requiring a public hearing shall comply with the **Michigan Zoning Enabling Act, 2006 PA 110**, 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 Township Clerk shall be responsible for preparing the content of the notice, having it published in a newspaper of general circulation in Alcona 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. **Public Hearing Information:** When and where the request will be considered: indicate the date, time, and place of the public hearing(s).

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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, notice shall be given 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 Alcona 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**.
2. **Notice Deemed Given:** Notice shall be deemed given when personally delivered or 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, 2006 PA 110**, as amended, or this Ordinance where applicable, notice of a public hearing shall be provided as follows:

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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) 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.

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

Section 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 requests 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.

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- 7. Requests by the applicant for a special meeting of the Alcona Township Planning Commission.
 - 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

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

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

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

Section 10.8 – Violations & Penalties

- A. **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 ensure compliance with the plans and conditions of the Zoning Permit or approved site plan.
- B. **Nuisance Per Se.** Any land, dwellings, buildings, or structures, including tents and recreational vehicles, used, erected, altered, razed, or converted in violation of this Ordinance or in violation of any regulations, conditions, permits, or other rights granted, adopted, or issued pursuant to this Ordinance are hereby declared to be a nuisance per se. Any person, partnership, corporation, association, or other legal entity who creates or maintains a nuisance per se as defined in this

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Ordinance 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 pursuant to the Alcona Township Municipal Civil Infraction Ordinance. Every day that such violation continues shall constitute a separate and distinct offense under the provisions of this Ordinance. Nothing in this section shall exempt the offender from compliance with the provisions of this Ordinance.

C. **Violation Notification:** If the Zoning Administrator shall find that any of the provisions of this Ordinance are being violated, they shall notify the alleged violator of the violation using the procedure stated in the Alcona Township Municipal Civil Infraction Ordinance. They shall order discontinuance of illegal use of land, buildings, or structures or of discontinuance of any illegal work being done; or shall take any other action authorized by this Ordinance to ensure compliance with or to prevent violation of its provisions.

D. **Penalties:**

1. The fine for violations of this Ordinance shall be set forth in the Alcona Township Municipal Civil Infraction Ordinance. Any person found by the appropriate compliance officer on behalf of the Township of Alcona to be in violation of this Ordinance, shall be obligated upon request, to provide documentation to satisfy the various provisions of this Ordinance, or for failure to do so, same shall also constitute a violation of this Ordinance. This documentation may include, but is not limited to appropriate licenser, insurance coverage, or any other information as required by this Ordinance and/or as may be mandated by any other law.
2. In addition to any and all other penalties as provided herein, that any fines, costs, and/or other fees assessed shall be applied by the Township against the Township tax rolls for purposes of collection as would any other amounts of monies as otherwise taxed, including but not limited to any assessment of interest, administrative costs or other fees associated therewith, Furthermore. the Township shall have the authority to place a lien upon the premises for purposes of collection of all reasonable costs.
3. The imposition of any sentence shall not exempt the offender from compliance with the requirements of this Ordinance. Uses of land and dwellings, buildings, or structures, including tents, recreational vehicles, and manufactured homes used, erected, altered, razed, or converted in violation of any provision of this Ordinance are hereby declared to be a nuisance per se. The Court may order such nuisance abated and the owner and/or agent in charge of such dwelling, building, structure, tent, recreational vehicles, manufactured home, or land may be adjusted guilty or maintaining a nuisance per se, and same may be abated by order of any court of competent jurisdiction.
4. The Township may initiate proceedings in any court of competent jurisdiction to abate, eliminate, or enjoin the nuisance per se or any other violation of this Ordinance.

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E. Stop Work Order:

1. If construction or land uses are being undertaken contrary to a Zoning Permit, the Michigan 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. A stop work order may be issued when the Zoning Administrator finds that any of the following conditions exists:
 - a. Work is being done or has been done without a Zoning Permit;
 - b. Work is being done beyond the scope of the issued Zoning Permit;
 - c. Work is being done which does not match approved plans;
 - d. A permittee fails to comply with any of the terms, conditions, or requirements of the applicable Zoning Permit or a condition of the permit; or
 - e. A permittee fails to pay any fees required by this Ordinance or any other applicable 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.

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Article 11

Zoning Board of Appeals

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Section 11.0 – Creation & Membership of the Zoning Board of Appeals

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

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- 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 in the same manner as the original appointment.

- 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 a public hearing. A member shall disqualify himself or herself from a vote in which the member has a conflict of interest. Failure of a member to disqualify himself or herself from a vote in which the member has a conflict of interest constitutes malfeasance in office.

Section 11.1 – Meetings

- A. Meetings of the Zoning Board of Appeals shall be held at the call of the Chairman and at such other times as the Zoning Board of Appeals may determine or specify in its rules of 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.

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

Section 11.2 – Jurisdiction

- A. 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 or Planning Commission from which the appellant seeks relief.

- B. The ZBA shall hear and decide appeals from and review any administrative order, requirement, decision, or determination made by an administrative official or body charged with enforcement of a Zoning Ordinance adopted under this act.

- C. The ZBA shall have the authority to grant non-use variances relating to the construction, structural changes, or alteration of buildings or structures related to dimensional requirements of the Zoning Ordinance as provided for in [§11.5](#). The ZBA shall not grant use variances.

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- D. The ZBA may also interpret the location of zoning district boundaries and may interpret the provisions of this Ordinance.
- E. The ZBA has no jurisdiction to hear appeals from Planning Commission decisions concerning Special Land Use approvals or Planned Unit Developments.

Section 11.3 – Procedure & Decisions

- A. An appeal to the Zoning Board of Appeals may be taken by a person aggrieved or by an officer, department, board, or bureau of Michigan or Alcona Township.
- B. A variance in the Zoning Ordinance may be applied for and granted under Section 4 of the **Uniform Condemnation Procedures Act, 1980 PA 87**, MCL 213.54, and as provided under the Michigan Zoning Enabling Act, PA 110 of 2006, as amended.
- C. 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.
- D. The Zoning Administrator shall immediately transmit to the Zoning Board of Appeals all papers constituting the record of the appealed action.
- E. 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.
- F. Following receipt of a written request for a variance, an interpretation of the Zoning Ordinance, or an appeal of an administrative decision, the Zoning Board of Appeals shall fix a reasonable time for the hearing of the request and give notice pursuant to **§10.3**.
- G. Any person may appear and testify at the hearing either in person or by a duly authorized agent or attorney.
- H. A member of the Zoning Board of Appeals who is also a member of the Planning Commission or the Township Board shall not participate in a public hearing on or vote on the same matter that the member voted on as a member of the Planning Commission or the Township Board. However, the member may consider and vote on other unrelated matters involving the same property.
- I. The Zoning Board of Appeals may reverse or affirm, wholly or partly, or modify the order, requirement, decision, or determination and may issue or direct the issuance of a permit. 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.

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- J. The concurring vote of a majority of the members of the Zoning Board of Appeals is necessary to reverse an order, requirement, decision, or determination of the administrative official or body, to decide in favor of the applicant on a matter upon which the Zoning Board of Appeals is required to pass under the Zoning Ordinance, or to grant a variance in the Zoning Ordinance.
- K. 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](#).
- L. 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.
- M. The decision of the Zoning Board of Appeals shall be final. A party aggrieved by the decision may appeal to the circuit court of Alcona County.

Section 11.4 – Stay

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

Section 11.5 – Variance Standards

- A. **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 to be true:
 - 1. There are unique circumstances or physical conditions of the property that do not apply generally to other properties in the surrounding area, such as narrowness, shallowness, shape, water, or topography, which makes the variance necessary.
 - 2. The variance is not being requested due to the applicant’s personal or economic hardship.
 - 3. It would be unessarily burdensome to strictly comply with the regulations governing area, setbacks, frontage, height, bulk, or density. Strict compliance would unreasonably prevent the owner from using the property for a permitted purpose.

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4. The requested variance is the minimum necessary and would do substantial justice to the applicant as well as to other property owners in the district. If it is possible to grant a lesser variance than requested that would give substantial relief to the property owner and be more consistent with justice to other property owners, then a lesser variance should be granted.
5. The need for the requested variance is not the result of action of the property owner or previous property owners (self-created).
6. The requested variance will not cause an adverse impact on surrounding property, property values, or the use and enjoyment of property in the neighborhood or zoning district.

Section 11.6 – Appeal to Circuit Court

- A. Any party aggrieved by a decision of the Zoning Board of Appeals may appeal to the circuit court for Alcona County. The circuit court shall review the record and decision to ensure that the decision meets all of the following requirements:
 1. Complies with the constitution and laws of the state.
 2. Is based upon proper procedure.
 3. Is supported by competent, material, and substantial evidence on the record.
 4. Represents the reasonable exercise of discretion granted by law to the Zoning Board of Appeals.
- B. If the court finds the record inadequate to make the review required by this Section or finds that additional material evidence exists that with good reason was not presented, the court shall order further proceedings on conditions that the court considers proper. The Zoning Board of Appeals may modify its findings and decision as a result of the new proceedings or may affirm the original decision. The supplementary record and decision shall be filed with the court. The court may affirm, reverse, or modify the decision.
- C. An appeal from a decision of a Zoning Board of Appeals shall be filed within thirty (30) days after the Zoning Board of Appeals issues its decision in writing signed by the chairperson, if there is a chairperson, or signed by the members of the Zoning Board of Appeals, if there is no chairperson, or within twenty-one (21) days after the Zoning Board of Appeals approves the minutes of its decision. The court may affirm, reverse, or modify the decision of the Zoning Board of Appeals. The court may make other orders as justice requires.

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Article 12

Adoption & Amendment

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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 [2006 PA 110](#), as amended.
1. The regulations and provisions stated in the text of this Ordinance and the boundaries of zoning districts shown on the Alcona 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](#).

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- e. **Rezoning Standards:** The Planning Commission shall review and apply the following standards and factors in the consideration of any rezoning request.
 - 1) Is the proposed rezoning consistent with the current Master Plan?
 - 2) Are 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) Will rezoning create a deterrent to the improvement or development of adjacent property in accord with existing regulations?
 - 6) 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)?
 - 7) Is the site served by adequate public facilities or is the petitioner able to provide them?
- f. Following the public hearing, the Planning Commission shall submit the proposed amendment including any zoning map changes to the County Planning Commission. In the absence of a County Planning Commission, the amendment shall be submitted to the County Board of Commissioners. 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 may hold a public hearing if it considers it necessary or if otherwise required. Notice of such hearing shall be published using the procedures in [§10.3](#).
- i. The Township Board shall grant a hearing on a proposed Ordinance amendment 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](#).
- j. The Township Board may refer any proposed amendments to the Planning Commission for consideration and comment within a time specified by the Township Board.

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- k. After any such public hearing as allowed under **§12.0(A)(3)(h-i)**, 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.
- l. 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.
- m. 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 – 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.

Section 12.2 – Repeal & Savings Clause

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

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Section 12.3 – Enactment & Effective Date

- A. This Ordinance was adopted on May 9, 2023, by the Alcona Township Board of Trustees and will be effective May 24, 2023. The foregoing Zoning Ordinance and Map of Zoning Districts were presented at public hearings before the Planning Commission on March 9, 2023.

- B. Amendments or revision to this Ordinance or Map of Zoning Districts shall become effective on the expiration of seven (7) days or at a later date specified by the Township Board after publication of a notice of adoption of said amendments or revisions within fifteen (15) days of adoption in accordance with Section 401 of **2006 PA 110**, as amended.

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